United Nations A/HRC/28/69

General Assembly

Distr.: General
5 February 2015

Original: English

Human Rights Council
Twenty-seventh session
Agenda item 4
Human rights situations that require the Council's attention

Report of the Independent International Commission of Inquiry on the Syrian Arab Republic*

Summary

The present report is submitted to the Human Rights Council pursuant to Council resolution S-17/1.

The violence in the Syrian Arab Republic mutated from unrest in March 2011 into internal disturbances and the emergence of a non-international armed conflict in February 2012. The conduct of an ever-increasing number of actors is characterized by a complete lack of adherence to the norms of international law. Since the outset, civilians have borne the brunt of the suffering inflicted by the warring parties.

Since its establishment, the Commission of Inquiry has persistently drawn attention to the atrocities committed across the country. In the present report, the Commission charts the major trends and patterns of human rights and humanitarian law violations perpetrated from March 2011 to January 2015, and draws from more than 3,556 interviews with victims and eyewitnesses in and outside of the country, collected since September 2011.

Taking stock of international actions and inaction, the report is intended to re-emphasize the dire situation of the Syrian people in the absence of a political solution to the conflict. The Commission stresses the urgent need for concerted and sustained international action to find a political solution to the conflict, to stop grave violations of human rights and to break the intractable cycle of impunity.

* The annexes to the present report are circulated as received, in the language of submission only.

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I. Introduction

1. The violence in the Syrian Arab Republic evolved from unrest in March 2011 into internal disturbances and the emergence of a non-international armed conflict in February 2012. The conduct of an ever-increasing number of actors is characterized by a complete lack of adherence to the norms of international law.

2. Since the outset, civilians have borne the brunt of the suffering inflicted by the warring parties. Hundreds of thousands of Syrians have been killed. Half of the country's population have fled their homes, becoming refugees or internally displaced persons. The current needs outstrip the existing humanitarian response. Many people are hard to reach, making basic and essential protection efforts virtually impossible.

3. Since its establishment, the Commission of Inquiry[1] has persistently drawn attention to atrocities committed across the country. In the present report, the Commission charts the major trends and patterns of human rights and humanitarian law violations perpetrated from March 2011 to January 2015, and draws from more than 3,556 interviews with victims and eyewitnesses in and outside of the country, collected since September 2011.

4. As access to the Syrian Arab Republic has been denied by the Government, the Commission relied primarily on first-hand witness accounts to corroborate its findings. Photographs, video recordings, satellite imagery, forensic and medical records formed the basis of the Commission's conclusions. The correspondence between the Permanent Mission of the Syrian Arab Republic and the commission is annexed to the present report (see annex I).

5. The Commission presents its findings on violations of international law committed in the Syrian Arab Republic between 15 July 2014 and 15 January 2015 (see annex II). The legal and factual findings made are based on 380 interviews conducted in the region and from Geneva. They should be read in conjunction with the commission's previous reports.[2] The standard of proof used in previous reports remains applicable.

II. Victim protection

A. From unrest to war

1. Government forces

6. The violations committed at the outset of the unrest in 2011 continue to be perpetrated. This fact underlines the impunity with which the Government continues to operate.

7. As protests erupted in Dara'a city in March 2011, government forces opened fire on demonstrators. As the protests spread across the country, they were met with a violent, often lethal response from the Government. The Government maintained that the protesters fired at their forces, and provided a list of security forces allegedly killed at the protests.

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[1] The commissioners are Paulo Sérgio Pinheiro (Chairperson), Karen Koning AbuZayd, Vitit Muntarbhorn and Carla del Ponte.

[2] S-17/2/Add.1, A/HRC/19/69, A/HRC/21/50, A/HRC/22/59, A/HRC/23/58, A/HRC/24/46, A/HRC/25/65 and A/HRC/27/60.

8. As the unrest evolved into armed violence in late 2011, the Government intensified its ground assaults on restive areas. The murder and torture of civilian residents and captured armed individuals formed part of the earliest ground attacks. By 2012, as the country moved towards civil war, government forces[3] had committed a number of mass killings of civilians during ground assaults.

9. By late 2012, government forces had changed tactics and rarely engaged in ground attacks. This appeared motivated by the fact that ground attacks provided the infantry, which was majority Sunni, with opportunities to defect and by the increased capacity of armed groups to attack government units.

10. Nevertheless, the mainstays of government attacks on restive areas have remained static. They include (a) the encirclement of an area, including the setting up of checkpoints at all access points; (b) the imposition of a siege, including preventing the flow of food, medical supplies, and sometimes water and electricity, into the town or area; (c) the shelling and aerial bombardment of the besieged area; (d) the arrest, and often disappearance, of wounded persons attempting to leave the besieged area to seek medical treatment no longer available inside and of those attempting to break the siege, usually by smuggling in food and medical supplies. Victims have often described the Government's strategy as that of "tansheef al bakhar", or draining the sea to kill the fish.

11. Over the past four years, the Government has implemented this strategy with relative consistency. The sieges imposed by the Government have become longer and, consequently, more harsh. The earliest siege, that of Dara'a city, which began in late April 2011, lasted for under two months. The siege of Homs city began in mid 2011 and was only lifted when the city fell in May 2014. Residents of Yarmouk camp in Damascus city have been besieged since May 2013. Infants have died as a result the Government's "surrender or starve" siege strategy.

12. In 2011 and 2012, widespread arrests were conducted in a number of different circumstances, including ground searches. By 2013, most were made at checkpoints. Arrests targeted males between the ages of 15 and 60 years, and were often arbitrary, accompanied by ill-treatment and torture. They also led to disappearances.[4] By 2014, Syrians were going to extraordinary lengths to avoid checkpoints.

13. The Government's use of indiscriminate shelling and aerial bombardment has been informed by its use of a variety of weaponry. The Government began hostilities by employing artillery shells, mortars and rockets against restive and sometimes besieged areas. By mid 2012, the use of cluster munitions, thermobaric bombs and missiles was documented, often used against civilian objectives, such as schools and hospitals. The Government has also used incendiary weapons.

14. The first reported use of barrel bombs was in August 2012 in Homs city. It was not, however, until mid 2013 that government forces began an intense campaign of barrel bombing of Aleppo city and governorate.[5] Throughout 2013, 2014 and into 2015, the Government has made liberal use of barrel bombs. These makeshift explosive containers have caused thousands of civilian casualties. Barrel bombs are regularly dropped on crowded areas, such as bakery lines, transportation hubs, apartment buildings and markets. Aid distributions have also been targeted.

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[3] The term "government forces", unless specified otherwise, includes the Syrian Armed Forces, intelligence forces and associated foreign and local militias, including Hezbollah, the shabbiha, popular committees and National Defence Forces.

[4] A/HRC/25/65, annex IV.

[5] Ibid., annex VI.

15. In April 2014, the Government dropped barrel bombs containing chemical agents, likely chlorine, on locations in Idlib and Hama governorates. The first attributed finding of use of chemical weapons by a warring party was noted, but did not spur greater action to end the conflict.

16. Throughout the duration of the violence in the Syrian Arab Republic, government forces have relied on paramilitary groups and militias; initially the *shabbiha*, and now the National Defence Force. It has benefited from the intervention of foreign fighters, including Hizbullah and Iraqi Shia militias.

2. Non-State armed groups

(a) Anti-government armed groups

17. After the armed confrontations in Jisr Ash-Shugur (Idlib) in June 2011, organized armed groups emerged in Homs, Idlib and Rif Damascus, made up of defectors and local fighters.

18. Some defectors organized themselves into the Free Syrian Army (FSA). While increasingly organized armed groups identified themselves as FSA, it remained unclear whether the FSA leadership, based in Turkey, had effective command and control over ground forces. After 2012, hundreds of groups of varying sizes emerged. The multiplicity of actors exacerbated the violence and further endangered civilian life.

19. While the Government focused on key urban centres and lines of communication, the armed opposition made gains in the countryside of restive governorates. Their presence in civilian areas and their initial attacks on isolated checkpoints and army convoys triggered ever more violent assaults by the Government.

20. Armed groups, then under the banner of the FSA, tortured and executed suspected government agents, members of the *shabbiha*, and collaborators. During the Government's assault on Homs city in February 2012, armed groups killed captured soldiers.

21. As the armed violence mutated into a civil war in February 2012, armed groups continued to attack government-held neighbourhoods and areas. The Damascus neighbourhoods of Jaramana and Bab Tuma have been the object of indiscriminate shelling by anti-government armed groups for more than two years. These unlawful attacks continue to date.

22. Armed groups continued to take hostages to force prisoner exchanges or for ransom. Some groups have held hostages for long periods of time, as in the ongoing case of women and children abducted from eastern Latakia in August 2013. Almost all of those held hostage have been civilians belonging to communities or living in areas supportive of the Government.

23. Anti-government armed groups have also besieged towns and villages. The sieges have generally been shorter lived and employed on far fewer localities than those of the Government. Since armed groups expanded their control over the northern countryside of Aleppo in July 2012, they have imposed a siege on two Shia enclaves, Nubul and Zahra.

24. The first foreign fighters, mostly Libyans, arrived in the Syrian Arab Republic in 2011. The presence of more extreme elements was seen in the numerous suicide bombings that initially targeted State security services in 2011 and 2012.

25. The more extreme anti-government armed groups, notably Jabhat Al-Nusra, have flourished as the conflict continues. This is largely owing to their operational efficiency and stable financial capacity, which have attracted fighters from other groups.

26. In 2014, terrorist groups used suicide and car bombs in Homs and Hama governorates. Unlike the earlier bombings of 2011 and 2012, most of which were directed against military targets, the bombings in 2013 and 2014 targeted civilians.

27. In late 2014, there was an increase in ground attacks on villages that were home to minority groups perceived to be supporting the Government.

28. Anti-Government armed groups lost momentum when the Government, assisted by Hizbullah, began to regain control of Al Qusayr (Homs) in June 2013. Since then, the groups have continued to lose ground owing to a lack of regular and consistent support, inadequate unity and cohesion, and increased infighting, in particular after the emergence of the so-called Islamic State of Iraq and Al-Sham (ISIS)[6] in April 2013.

(i) *Jabhat Al-Nusra*

29. The emergence of Jabhat Al-Nusra as an offshoot of Al-Qaida in Iraq was announced in January 2012. Owing to its tactical efficiency and consistent logistic capabilities, the group rapidly gained prominence among the other anti-government armed groups, increasingly attracting both extremist backers and foreign fighters.

30. While Jabhat Al-Nusra has made extensive use of car bombs and suicide bombings against military targets, such as military and security forces, it has also detonated bombs in civilian areas, particularly in Homs city in 2014. Jabhat Al-Nusra has also launched ground attacks on civilian localities. Acting in concert with other armed groups, it participated in the massacres of civilians in Rif Damascus in December 2013, and in Hama on 24 December 2013 and 9 February 2014.

31. In April 2013, the leadership of Jabhat Al-Nusra rejected a merger with ISIS. After months of intense confrontations, Al-Nusra was driven out of its strongholds in Dayr az Zawr in July 2014, losing significant oil resources and tribal support.

32. Relations between Jabhat Al-Nusra and other armed groups remained largely collaborative. However, the Al-Qaida affiliate recently attacked a number of western-backed armed factions in Idlib governorate, absorbing their equipment, fighters and territory.

(ii) *Islamic State of Iraq and Al-Sham*

33. In April 2013, following the breakdown of its alliance with Jabhat Al-Nusra, ISIS developed into a well-organized, dominant armed force in control of extensive territory in the Syrian Arab Republic and Iraq, posing a significant threat to peace and stability.

34. In 2014, the conflict was marked by the rapid rise and expansion of ISIS, which took over large parts of the north-east in the Syrian Arab Republic. It has recently made inroads in Hama and Homs governorates. In June 2014, ISIS proclaimed itself a "caliphate".

35. This terrorist group has gained control over significant economic resources and, with them, a stable source of funding. By using tactics that instil terror among the civilian population, and providing basic services, it has fostered loyalties among local communities in the areas it controls.

36. ISIS operates a harsh, rigid administrative system that comprises the Al-Hisbah morality police, the general police force, courts and entities managing recruitment, tribal relations and education.[7]

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[6] Also referred to as "Islamic State in Iraq and the Levant" (ISIL).

[7] See A/HRC/27/CRP.3, para. 16.

37. ISIS inflicts severe penalties against those who transgress or refuse to accept their self-proclaimed rule. This includes hundreds of public executions, mainly of males, followed by the display of bodies in an effort to terrorize and force the submission of civilian communities living under their control. ISIS has also publicly amputated limbs as punishment for theft and lashed residents for smoking and trading during prayer times.

38. ISIS has carried out executions of captured soldiers and fighters from other armed groups. It has also killed civilians during attacks, such as on the Al-Shaar gas fields (Homs) in July and on Al-Sheitat villages in Dayr az Zawr in August 2014.

39. Where ISIS has occupied areas with diverse ethnic and religious communities, minorities have been forced to either assimilate or flee. It forcibly displaced Kurds from towns in Ar Raqqah as early as July 2013. As recently as November 2014, it evicted Kurds living in Al Bab (Aleppo). It has also destroyed Christian churches and Shia shrines in its areas of control.

(iii) *People's Protection Units*

40. In mid-2012, as armed groups surged in the west and south of the Syrian Arab Republic, the Government withdrew from Kurdish majority areas in an effort to deploy its forces where they were most needed. In their place, the People's Protection Units (YPG) took control.

41. In January 2014, the YPG established an administration in the Kurdish regions of the northern part of the Syrian Arab Republic. They have engaged in hostilities with government forces, anti-government armed groups and ISIS to defend areas under its control. Supported by international coalition airstrikes, the YPG recently regained control over Ayn al-Arab (Kobane).

42. The YPG has recruited children – both boys and girls – for use in hostilities. In a letter dated 30 September 2013 addresed to the Commission, the YPG stated that its policy was not to use children under the age of 18. Underage fighters, however, were involved in YPG military operations against ISIS in Ayn al-Arab (Kobane) in September and October 2014.

(b) Unknown perpetrators

43. Throughout the conflict, there have been attacks for which no party has claimed responsibility and which had no clear strategic or military objective beyond the purpose of spreading terror among the civilian population. Among these are the chemical weapons attacks on Al-Ghouta (Rif Damascus) on 21 August 2013 and Khan Al-Assal (Aleppo) on 19 March 2013.

44. In Al-Ghouta, significant quantities of sarin were used in a well-planned attack targeting civilian-inhabited areas, causing mass casualties. The evidence available concerning the nature, quality and quantity of the agents used indicated that the perpetrators likely had access to the chemical weapons stockpile of the Syrian military, as well as the expertise and equipment necessary to safely manipulate large amounts of chemical agents. The chemical agents used in Khan Al-Assal bore the same unique hallmarks as those used in Al-Ghouta. Other allegations of chemical weapons on a significantly smaller scale were also recorded. The Commission's evidentiary threshold was not met with regard to the perpetrator for these incidents.

45. There have been multiple cases where improvised explosive devices were set off in both government- and armed group-controlled areas and for which it was not possible to identify the party responsible.

46. There have been abductions and disappearances for which no ransom demands were issued and no claims of responsibility made. In December 2013, four human rights activists were kidnapped from their office in Dumah (Rif Damascus). Their fate and whereabouts remain unknown.

B. Consequences of the failure of the State to protect civilians

47. The human cost of the ongoing conflict in the Syrian Arab Republic is immeasurable. The Syrian State has manifestly failed to protect its citizens from mass atrocities. War crimes and crimes against humanity have been committed on a massive scale. Many Syrians have suffered multiple violations and abuses from different actors. The scale of human suffering has grown as the conflict has escalated.

1. Civilians

48. Civilians and persons hors de combat, in particular fighting-age men, have been the primary victims of violence since the unrest began in the Syrian Arab Republic in March 2011. Women and children have also been targeted. Men and women who sought to aid the wounded or those in need of humanitarian assistance have been arrested, detained, tortured and killed for "collaborating" with the armed opposition.

49. Government forces have directed attacks against the civilian population. The attacks have included widespread shelling and bombardment of civilian-inhabited localities and the targeting of civilians for arrest, detention and disappearance on the basis of their association or perceived opposition to the Government. The coordination and active participation of government institutions indicates that the attacks are conducted as a matter of State policy. As part of this widespread attack on the civilian population, government forces have perpetrated murder, torture, rape and acts of enforced disappearance.

50. Where frontlines have stalled, the Government has employed a strategy of controlling the population, combining long-lasting sieges with continuous air and ground bombardment. Civilians are targeted on the basis of their perceived opposition to the Government. Merely living in or originating from certain neighbourhoods leads to targeting. In a particularly brutal military campaign, the Government intensified its widespread and systematic attack against the civilian population of Aleppo in October 2013 to punish and terrorize civilians for supporting or hosting armed groups in an apparent strategy to erode popular support for those groups. Government forces are now employing a similar strategy in Ar Raqqah, with total disregard for the distinction between civilian and military targets.

51. Anti-government armed groups have intentionally targeted civilian localities either in retaliation for government operations or owing to perceived support of those localities for the Government. Minority groups considered to be harbouring government loyalties or perceived as benefiting from government support have also been attacked by non-State armed groups.

52. Since its emergence in April 2013, ISIS has committed acts of violence against the civilian population under its control in Ar Raqqah, Dayr az Zawr, Al Hasakah and north-eastern Aleppo governorates. ISIS, a structured group, directs and organizes these acts of violence against civilians, evincing an organizational policy. As part of this attack, ISIS has carried out public executions to instil terror among the civilian population, ensuring submission to its authority.

53. Arbitrary restrictions and obstacles to the delivery of aid continue to be imposed by all sides to the conflict, with devastating consequences for civilians in areas that are hard to reach. Humanitarian aid has been instrumentalized for military gain. The bureaucratic

hurdles imposed by the Government of the Syrian Arab Republic are a calculated obstruction of aid to civilians living in areas under non-State armed group control. The conditions imposed by armed groups on the delivery of humanitarian assistance use civilian suffering as a retaliatory measure.

2. Fighting-age males

54. Since March 2011, males perceived to be of fighting age, including minors, have been targeted in military assaults, shelling and by sniper fire, for arrest and detention, and recruited for participation in hostilities. As the conflict has escalated, males of fighting age have emerged as the main targets of violence. According to the Statistical Analysis of Documentation of Killings in the Syrian Arab Republic commissioned by the Office of the United Nations High Commissioner for Human Rights, some 85.1 per cent of the victims documented were are male.

55. Government forces have engaged in mass arrest campaigns leading to the enforced disappearance of fighting-age men in areas that have fallen under their control, and men residing in or travelling to government-held areas. Their families are often too afraid to approach the authorities to enquire about the whereabouts of their relatives.[8] Those who enquired have faced a refusal to disclose information about the fate of the disappeared or were compelled to pay large bribes to learn of the whereabouts of relatives. Men who were detained were often subjected to sexual violence as a tactic to punish, humiliate and degrade.

56. Victims of ISIS public executions are usually men or boys accused of being affiliated with other armed groups or of violating ISIS edicts. Captured hors de combat government soldiers have been executed en masse. Young boys are also used as executioners, trained to carry out suicide bombing missions and deployed in active hostilities.

57. Boys and men are at constant risk of being targeted or instrumentalized by the parties to the conflict. Government forces, ISIS, and the YPG have all pursued a concerted effort to conscript young men into their ranks. Minors have been recruited and used by all parties to the conflict, at times systematically.

58. Men of fighting age are not granted any of the protections afforded to civilians by any of the parties. Whether subjected to violations by government forces or ISIS, the evidence collected indicates that Sunni Muslim men are disproportionately overrepresented among the victims in the Syrian conflict.

3. Women and girls

59. The lives of Syrian women have been radically altered by four years of conflict. With Syrian men killed, disappeared or unable to move for fear of arrest at checkpoints, there has been a drastic increase in female-headed households. Unaccompanied by men and vulnerable to physical assaults, women and girls have been put at risk of arrest or abduction by government forces and by anti-government armed groups. In Aleppo, Hama, Homs and Dara'a governorates, women cited a fear of sexual violence in their decisions to flee their homes.

60. An increasing number of cases of sexual violence has been documented through targeted investigations and cooperation with broad social and medical networks. Women and girls were found to have been raped and sexually assaulted in government detention

[8] A/HRC/25/65, para. 48.

facilities, in particular in the investigation branches of the Military Intelligence Directorate and prisons administered by the General Security Directorate in Damascus. State officials have perpetrated rape, a crime against humanity.

61. Many victims of sexual and gender-based violence spoke out once they had been released from detention, while others took time to relay their experiences of violations perpetrated in secret or cloaked in silence or taboo. Underreporting and delayed reporting of sexual violence continues to be endemic. Contemporaneous medical documentation is rare, and is hampered by the denial of medical assistance to detainees in custodial contexts, where most sexual violence is committed. Many of the women interviewed had been displaced and sought shelter in neighbouring States. They are in desperate need of psychosocial support, which must be maximized to help victims of sexual violence.

62. Lack of access to medical care has affected the prenatal and postnatal health of women and their children. Women in labour have not been allowed through government checkpoints and have often been forced to give birth under dangerous circumstances. In areas under siege, women have given birth in unsterile conditions and without pain medication.

63. Armed groups, including Ahrar Al-Sham and Jabhat Al-Nusra, have targeted women and children on the basis of their gender, to be taken as hostages for use in prisoner exchanges. Yazidi women, abducted from Iraq, have been brought into the Syrian Arab Republic and sold (and re-sold) in markets or distributed to ISIS fighters as war booty. Kept as slaves, they are subject to horrific and repeated sexual violence. Girls and women in ISIS-controlled areas live in fear of forced marriage to the fighters.

64. The imposition by ISIS of a strict interpretation of sharia law previously unseen in the Syrian Arab Republic – setting out edicts on all aspects of life, from dress to movement, employment and religious observance – has restricted basic freedoms, particularly for women. Women and girls over the age of 10 must be fully covered when venturing outdoors. Women and girls are not permitted to be in the company of men outside of their immediate family. Failure to abide by these rules is punishable by lashing. Punishments may be carried out by the Al-Hisbah morality police, but increasingly they are the responsibility of the all-female brigade Al-Khans'aa. ISIS has executed women, as well as men, on charges of adultery. Instances of women being stoned to death have been documented. Such public displays of brutality are utilized to instil fear among women for disobeying ISIS edicts.

4. Children

65. The Commission has witnessed the deterioration of children's rights in the Syrian Arab Republic. Children have been killed, injured and maimed, suffering the direct consequences of the indiscriminate violence of government forces. They have also been affected by displacement, loss of relatives and the trauma of witnessing acts of violence.

66. Intelligence and security agencies have detained young children since 2011. Held in the same cells as adults, children are exposed to sexual violence and subjected to the same ill-treatment and torture as adult detainees. In detention, children have also witnessed violent torture and death.

67. As the unrest developed into an armed conflict, government forces began to use children as part of coordinated military operations to locate armed group fighters prior to attack or act as informants, exposing them to retaliation and punishment.

68. With approximately 5,000 schools destroyed in the Syrian Arab Republic, the resulting sharp decline in children's education continues to be articulated as one of the greatest concerns among those interviewed. Government forces attack schools in the

context of their military operations. According to the United Nations Children's Fund, 160 children were killed in attacks on schools in 2014. Regular armed forces have also used schools for military purposes, depriving children of education and exposing educational facilities to attack.

69. Some children who have been displaced or sought refuge in neighbouring States have been out of school for two to three years, increasing the risk of radicalization among adolescent youth. Armed groups have taken advantage of children who are displaced and detached from their communities. Children have been recruited, trained and used in active combat roles. Doctors working in field hospitals regularly treat minors injured in combat. The use of schools by armed groups for military purposes has endangered children and led to their injury and death. Anti-government armed groups have systematically targeted schools and schoolyards, killing, injuring and maiming children.

70. ISIS has instrumentalized and abused children on a scale not seen before in the Syrian conflict. It has established "cubs camps" across areas under its control, where children are taught how to use weapons and trained to be deployed as suicide bombers. In September and October 2014, minors were part of ISIS forces during its assault on Ayn al-Arab (Kobane). Children have been deliberately targeted for indoctrination and instrumentalized by ISIS. ISIS has also used schools for military purposes, endangering children and preventing their access to education.

71. The YPG has abducted children and accepted children into their ranks. Despite an international commitment to the contrary, they have deployed children in active hostilities.

72. More than half of Syrian school-age children, up to 2.4 million, are out of school as a consequence of the occupation, destruction and insecurity of schools. With increasing numbers of children being recruited to fight, the vulnerability and lack of protection of children in the Syrian Arab Republic today will have long-lasting consequences.

5. Detainees

73. The Commission has collected numerous accounts of torture and deaths in custody in government prisons across the Syrian Arab Republic occurring between March 2011 and January 2015, supporting its finding of the crime against humanity of torture and murder. The widespread and systematic use of torture was documented in multiple facilities in Damascus, including Military Security branches 215, 235 (also known as Palestine branch) and 227; the Damascus Political Security Branch; the Air Force Intelligence branches at Harasta and at Mezzeh military airport; the Harasta Military Hospital and Sednaya prison. The documented physical injuries of victims were consistent with their accounts of severe torture inflicted as a method of interrogation, or to degrade and humiliate. Torture also included rape and sexual violence. Conditions of detention were characterized by a lack of food, water, space, sleep, hygiene and medical care, and the denial of life-saving medicine. Detainees were often stripped on arrival and held for long periods in their underwear. The collected information indicates the existence of a State policy implemented across governorates.

74. There were multiple reports of deaths in custody at the Air Force Intelligence branch at Mezzeh military airport, Military Security branches 215 and 235 and Sednaya prison. Families of detainees were frequently directed to the Al-Qaboun Military Police to obtain information on detained relatives and then to Tishreen Military Hospital. In most cases, however, bodies were not returned. State authorities issued fabricated death certificates with the apparent intent to disguise the cause and location of death and to prevent any official record of the use of torture. By misrepresenting the circumstances of death in an effort to conceal detainee abuse, government authorities have bolstered a system of widespread and systematic torture and unlawful killing.

75. ISIS inflicts severe physical or mental pain or suffering on civilian populations in areas under its control, in particular through its public lashing and amputations, as part of a widespread and systematic attack on the civilian population. There has been a rise in torture and the cruel, inhuman and degrading treatment of the civilian population in Ar Raqqah, Dayr az Zawr and Aleppo governorates. Torture has also been committed systematically against captured FSA and YPG fighters. ISIS fighters beat and killed those held in its detention centres in Ar Raqqah and Aleppo governorates during interrogations. Beatings included whipping detainees with cables. Former detainees in ISIS detention facilities in Ar Raqqah governorate reported being held in overcrowded, insect-infested cells. Detainees received inadequate food and were not permitted to communicate with anyone outside the facility.

6. Sick and wounded persons

76. The deliberate deprivation of care for those viewed as adversaries has aggravated the scale of human suffering in the Syrian Arab Republic. Since the first days of unrest, protesters wounded in demonstrations have been prevented their access to hospitals. As the conflict escalated, many civilians injured in indiscriminate and disproportionate attacks died, unable to reach medical care. Security forces have arrested and detained wounded persons seeking treatment, claiming that bullet or shrapnel wounds were evidence of participation in opposition activities. Doctors and nurses have been forced to withhold treatment under violent threat. The sick and wounded have been targeted with sniper fire and during military assaults on medical facilities. Health care has become militarized to the extent that many in need elect not to seek medical assistance in hospitals for fear of arrest, detention, torture or death.

77. The demise of impartiality has been one of the defining characteristics of this conflict. Across the Syrian Arab Republic, government forces have refused to allow deliveries of essential medicines and surgical supplies. As an immediate consequence, field hospitals lack basic necessities and can offer only rudimentary medical treatment. In continuing a policy of denying medical care on the grounds that it may be used to treat injured combatants, government authorities act in direct breach of binding international humanitarian law obligations to ensure that wounded and sick persons are collected and cared for, and to ensure the rapid and unimpeded passage of humanitarian relief.

7. Persons with disabilities

78. There is a rising number of persons with disabilities due to the use of explosives, particularly in densely populated urban areas. The increased use of landmines and improvised explosive devices by all parties to the conflict has led to the injury and maiming of a large number of victims. The weapons used by government forces, in particular barrel bombs, cause severe injuries, including the loss of limbs and deep cuts from shrapnel. Many of the victims who survive barrel bombings are maimed.

79. Many of the witnesses interviewed suffered from injury, impairment or chronic disease. For the vast majority, their disabilities had resulted directly from the conflict. Persons with disabilities face specific hardships. They have suffered from a drastic curtailment in access to adequate services as a result of the conflict. Instances of persons with mental and physical disabilities unable to flee or being killed in hostilities in Ayn al-Arab (Kobane) in September 2014 have been documented.

8. Medical personnel and humanitarian aid workers

80. The collapse of the Syrian public health system over the past four years has been accelerated by the loss of medical personnel. Ambulance drivers, nurses, doctors and medical volunteers have been attacked, arrested, unlawfully detained and disappeared.

Anti-terrorism laws issued on 2 July 2012 effectively criminalized medical aid to the opposition. Laws 19, 20 and 21 contravene the customary international humanitarian law rule that "under no circumstances shall any person be punished for carrying out medical activities compatible with medical ethics, regardless of the person benefiting therefrom".[9] As a result, the health-care system has been severely affected in the course of military operations carried out by government forces, as well as through a deliberate and systematic campaign to persecute medical staff treating anyone perceived to be opposing the Government.

81. Hospitals and medical facilities have been systematically targeted, leading to the death and wounding of medical personnel. Across the country, between July 2014 and January 2015, at least 10 hospitals were attacked by government airstrikes, some repeatedly, often killing doctors and nurses working inside.

82. ISIS and anti-government armed groups have detained medical personnel, violating customary humanitarian law prohibiting the punishment of persons for carrying out medical activities. The abduction of humanitarian and medical personnel has prompted medical staff to flee for fear of arrest. Doctors and nurses have also fled owing to the restrictions imposed on their professional activities by ISIS.

83. Violence targeting humanitarian workers and facilities continues to obstruct the efforts of humanitarian agencies to deliver aid to those Syrians most in need. Humanitarian workers have been deliberately targeted, preventing them from delivering aid and curtailing the activities of humanitarian agencies.

9. Internally displaced persons and refugees

84. Since the start of the crisis in the Syrian Arab Republic, more than 10 million Syrians have fled their homes. This amounts to almost half of the country's population, now deprived of their basic rights to shelter and adequate housing, security and human dignity. Many are victims of human rights violations and abuses and are in urgent need of protective measures and support.

85. More than 3 million people, most of them women and children, have fled the Syrian Arab Republic. Neighbouring countries, in particular Lebanon, Jordan, Turkey and Iraq, have borne the primary responsibility of hosting one of the largest exoduses in recent history. A further 6.5 million people are believed to be internally displaced. An estimated 10.8 million are in need of humanitarian assistance inside the Syrian Arab Republic, with 4.6 million living under siege or in hard-to-access areas.

86. Palestinians in the Syrian Arab Republic have emerged as a particularly vulnerable group. Targeted by government forces in Yarmouk and Khan Al-Sheeh camps in Damascus, in Handarat camp in Aleppo and in Dara'a camp, Palestinians often have nowhere to seek refuge. Neighbouring States have restricted entry to some Palestinians and imposed discriminatory measures, in violation of their asylum and non-refoulement obligations.

C. Civilian protection measures

87. There has been a total failure of civilian protection in the Syrian Arab Republic. Civilians are systematically targeted by all parties to the conflict, resulting in egregious

[9] Additional Protocols I (art. 16 (1)) and II (art. 10 (1)) to the Geneva Conventions of 12 August 1949.

atrocities. As a direct consequence of the conduct of warring parties, humanitarian space continues to shrink markedly, amplifying the human cost of the conflict.

88. Persons deprived of their freedom, particularly those detained in connection with the unrest and armed conflict, are rarely informed of the charges against them, have no access to fair and impartial tribunals, to effective remedy or to due process protections overall. Impartial humanitarian actors are not granted access to the vast majority of detention facilities operated by the Government or non-State armed groups.

89. Civilians and others who are not, or who are no longer, taking part in a conflict or other situations of violence, in particular persons or groups exposed to specific risks, such as children, women, the elderly, persons with disabilities, and the displaced, similarly have few protections in the Syrian Arab Republic.

90. With access to many parts of the country severely restricted, international humanitarian agencies are unable to carry out protection visits to detention facilities or conduct needs assessments in areas hosting large numbers of internally displaced persons.

91. The government authorities, who are implicated in the commission of gross violations and continue to perpetrate crimes pursuant to State policy, have demonstrated their resolve in refusing to engage with impartial humanitarian actors. Legislation adopted since the start of the crisis in the Syrian Arab Republic has criminalized essential humanitarian activities, including the impartial provision of medical care. Attacks on humanitarian aid workers and the detention of human rights defenders has drastically hampered efforts by actors seeking to alleviate the suffering of victims of the conflict and those working to protect civilians. Siege warfare and denial of humanitarian access has made basic protection efforts in many areas virtually impossible.

92. None of the armed actors has made any apparent effort to review its targeting practices in order to reduce or prevent civilian casualties. The parties continue to conduct hostilities in an indiscriminate, often disproportionate and unlawful manner. They take few precautions and do not appear to take remedial action to reduce civilian casualties, including independent investigations into incidents resulting in civilian casualties.

93. Non-State armed groups have fragmented, making sustained coordination and advocacy on civilian protection measures difficult. Without known and trusted interlocutors, humanitarian actors have not been able to maintain adequate channels to carry out meaningful dialogue on civilian protection measures. As a result, persons deprived of their liberty and persons in need of medical care, humanitarian and food assistance have few protections. The spread of ISIS and the escalation of hostilities have resulted in the cessation of all humanitarian aid deliveries to areas under their control.

94. The body of evidence collected by the Commission unequivocally demonstrates the belligerent parties' disregard for human life and protections accorded to civilians. Increased civilian protection must be a central pillar of any political, humanitarian or diplomatic dialogue with the warring parties, aiming to increase the humanitarian space within the Syrian Arab Republic. Beyond the borders of the Syrian Arab Republic, concerted international action is urgently needed to address the humanitarian protection needs of the refugee population in the region.

III. Accountability

95. The armed conflict has been characterized by massive, recurrent violations of human rights and international humanitarian law that demand urgent international and national action. This was recognized by the Security Council in its resolution 2139 (2014), in which the Council stressed the need to end impunity and reaffirmed the need to bring perpetrators

to justice. Despite the consensus reached in that resolution, no concrete measures are yet in place to ensure accountability.

96. The Commission has repeatedly called upon the Security Council to refer the situation to the International Criminal Court or to an ad hoc international tribunal. It has also endeavoured, wherever possible, to use its information to identify those responsible for crimes and other violations and to help to ensure perpetrators are held accountable.[10]

97. More than 3,500 victim and eyewitness accounts have been collected, documenting war crimes and crimes against humanity, as well as other violations of human rights and international humanitarian law. These interviews have been preserved for future sharing and referral to justice mechanisms, whether international or national. In all cases, interviewees were asked to provide their explicit consent for the Commission to use the information provided in its reports and/or to share pertinent details with current and future accountability mechanisms.

A. Identification of alleged perpetrators

98. At the end of each mandate, the Commission compiles a confidential list of alleged perpetrators. Alleged perpetrators have been identified based on verified accounts of witnesses and victims.

99. All information relating to the identity of potential perpetrators, either individuals or entities, is recorded, including name, affiliation, rank, source and exact circumstances of the alleged incident or incidents in which the individual or group was allegedly involved. A review is conducted to determine whether information linking identified perpetrators to crimes or violations has been corroborated to the Commission's standard of proof.

100. An individual or entity is placed on the final list when there are "reasonable grounds to believe" that a crime or violation has occurred and the individual or unit listed was involved in the manner described. A number of unit commanders and armed group leaders have been listed on the basis of their command responsibility.

B. Categories of alleged perpetrators

101. In March 2015, the Commission will deliver a fifth list of alleged perpetrators to the United Nations High Commissioner for Human Rights. Previous documents have included commanders of army and security units, including heads of detention facilities and other individuals operating under the command of the Government or in its support, and commanders of non-State armed groups, including the so-called "emirs" of radical groups, once their responsibility for crimes and violations has been established in accordance with the Commission's standard of proof.

C. The search for justice

102. As the situation in the Syrian Arab Republic has yet to be referred to the International Criminal Court , the Commission acknowledges that other options to pursue criminal justice must be explored. Given that the Court would focus on persons allegedly most responsible, the majority of additional cases would have to be taken up by other international or national mechanisms. As the use of foreign fighters by extremist groups has

[10] See A/HRC/22/59, annex XIV.

proliferated, many States have shown a willingness to investigate and prosecute their own citizens suspected of committing crimes in the Syrian conflict.

103. After monitoring national proceedings for more than three years, the Commission has determined that Syrian national courts are not, at this time, an effective mechanism through which to pursue justice. The Commission has yet to identify evidence that Syrian courts have either the will or capacity to fulfil international obligations to prosecute perpetrators of serious international crimes.

104. The Counter-terrorism Court, regular criminal courts, ad hoc military field courts and various local religious courts in areas controlled by the Government appear to operate in an arbitrary manner without fair trial guarantees. Similarly, religious courts operating in areas under the control of non-State armed groups, including ISIS and Jabhat Al-Nusra, fail to operate in a manner consistent with international standards, resulting in miscarriages of justice.

105. The Counter-terrorism Court and field military courts seem to rely almost exclusively on forced confessions and information acquired through torture to obtain convictions. As a result, the Commission is concerned that the Syrian criminal justice system currently violates international rights to due process and fair trial, exacerbating and compounding the suffering of victims of the armed conflict.

D. Assistance to national prosecutions

106. To further promote accountability, the Commission has shared information – where the consent of the interviewee was obtained – with the justice systems of States willing to exercise their national jurisdiction over crimes committed in the Syrian Arab Republic. As foreign fighters return home from battlefields in the country, there has been an increase in requests from these States over the past six months.

107. Some States have also indicated a willingness to assert universal jurisdiction to pursue criminal investigations against suspected perpetrators, including foreign nationals, in the armed conflict. In the event that a State were to gain custody over such perpetrators and their national courts were to meet international fair trial standards, the Commission would be willing to share its information upon request.

E. Additional measures in the search for justice

108. In its resolution 2178 (2014), the Security Council emphasized the need for States to address the conditions conducive to the spread of terrorism. The Commission supports the call made by the Council in that resolution for States to consider a full range of measures to combat the root causes of extremism through education, public policy and engagement with communities at risk of recruitment.

IV. Shared responsibility

A. Failure to reach a political solution

109. Although a number of initiatives have been introduced to put an end to the four-year old conflict in the Syrian Arab Republic, to date they have fallen short of achieving a political solution. Notable among those was the six-point peace plan presented by the Joint Special Envoy of the United Nations and the League of Arab States on the Syrian Crisis,

Kofi Annan, on 27 March 2012. The plan principally called upon the Government of the Syrian Arab Republic to engage in an encompassing political process, to cease military hostilities and to allow humanitarian aid to areas affected by the fighting. Shortly afterwards, in April 2012, the United Nations Supervision Mission in the Syrian Arab Republic was appointed with the aim of monitoring the declared ceasefire to which the Government and armed opposition had initially committed. On 16 June, the mission was suspended when hostilities resumed.

110. The final communiqué of the Action Group for Syria (Geneva communiqué), issued in June 2012,[11] remains one of the most serious attempts to resolve the conflict politically. It provides a road map for a peaceful transfer of power through the establishment of a transitional governing body with executive powers. After his appointment in August 2012, the Joint Special Representative of the United Nations and the League of Arab States, Lakhdar Brahimi, immediately called for the implementation of the terms of the Geneva communiqué. After months of negotiations and a persistent diplomatic push by the United States of America and the Russian Federation with the parties to the conflict, a conference ("Geneva II") was held in Montreux, Switzerland, on 23 January 2014. Negotiations broke down after two rounds of talks between the Government and the opposition, mostly represented by the Syrian National Coalition (SNC). The main issue of contention centred on priorities on the negotiation agenda, given that the Government insisted on addressing terrorism before engaging on issues pertaining to the transitional government, which the SNC rejected.

111. The prospects for a political solution have been further complicated by the multiplication of armed actors on the ground. The drastic territorial expansion of ISIS coupled with the continued fragmentation of FSA-affiliated groups has made it impossible to achieve a comprehensive ceasefire or broader political agreement. It has further weakened the stance of the SNC as its leverage over these groups progressively declined. Recent efforts have been geared towards "harmonizing" the relations of SNC with influential armed groups on the ground, while also engaging with the internal political opposition. The latest meeting in Cairo, held on 22 January 2015 between the SNC and members of the internal opposition, was specifically aimed at creating a common platform. A final 10-point document was endorsed by a majority of participating members. It called for a peaceful transition to a democratic and civil system, while stressing that the Geneva communiqué remained the basis for negotiations with the Government.

112. The initiative taken by the Russian Federation in January 2015 was aimed at bringing together members of the opposition and the Government. The main external opposition bloc, the SNC, declined the invitation, while members from various internal opposition groups agree to attend. Consensus was reached on the need to preserve the sovereignty and unity of the Syrian Arab Republic; the rejection of foreign interference; fighting terrorism as a priority; and ending the civil war through peaceful means.

113. The expansion of extremist groups has also hardened the negotiating position of the Government and its willingness to make concessions. The Government has consistently set the end of external military support to armed groups and the so-called "fight against terrorism" as preconditions for any political or transitional process. It has also refused to recognise the SNC as a unified entity and has instead focused its efforts on engaging with the internally tolerated opposition.

114. The current step-by-step approach adopted by Special Envoy of the Secretary-General Staffan de Mistura aims to address the fragmentation of the conflict by focusing on

[11] A/66/865–S/2012/522, annex.

a localized freeze of hostilities in Aleppo city. It emphasizes a bottom-up approach to resolving the conflict through the reinforcement of localized agreements that can be replicated on a larger scale, facilitating a gradual transition towards a wider political solution. No specific plan has been presented to date, but success of the Aleppo freeze will be a litmus test for the success of this model in other areas.

115. While a gradual transition with solid confidence-building measures could reduce hostilities locally and improve humanitarian conditions, it will ultimately need to address a longer-term perspective. Although the Geneva communiqué provided an framework for a political settlement, contentious issues remain, including the scope and nature of the opposition's representation in any transitional arrangement. President Assad's role in the transitional phase remains a deeply contentious issue among the parties. These aspects must be addressed before a lasting agreement can be seriously contemplated.

B. Involvement of external actors

116. Beyond the internal escalation, triggered in March 2011 by the Government's excessive use of force against largely unarmed protests, several external actors have contributed to the militarization process that transformed the unrest into a brutal civil war.

1. Involvement of influential States on both sides of the conflict

117. Since the uprising began, some States have endeavoured to influence the conduct of various parties according to their geopolitical interests. Their support extended to the financial and military realms, giving the warring parties, though unequally, the required capabilities to escalate or at least maintain their engagement. In particular, countries in the region are competing for influence over the belligerents, gradually transforming the Syrian crisis into a regional contest.

118. Critical financial and military assistance injected by different States into the conflict has fuelled the warring parties' unwillingness to compromise as they continued to believe that they could prevail militarily. The limited efforts of the international community to restore peace and stability in the region have been jeopardized by some States' continuous support for the parties, to the advantage of hard-liners on all sides.

119. The consistent support provided to the Government by its international backers, in terms of military equipment, advice and training, encouraged it to persist in its military and security approach based on the excessive use of force. Such support enabled it to adjust the posture, capabilities and structure of its forces to asymmetric fighting against the escalating armed violence.

120. States supporting the opposition have also provided various groups and coalitions with lethal and non-lethal military equipment. Owing to self-imposed restrictions, the scale and policy of this support never gave these groups the required capabilities to seriously challenge government forces in the medium and long terms. Despite all the precautions allegedly taken by the States steering the process, the support given to the so-called "moderates" has ultimately consolidated the dominance of extremist groups such as ISIS and Jabhat Al-Nusra, which managed to overrun the positions of moderates and to gain loyalties among their ranks.

2. Involvement of non-State actors from neighbouring States

121. Several non-State actors from States in the region have participated in the war either through the direct deployment of their forces or by the provision of logistical and financial support to one side or the other. Their entry has been facilitated by the porosity of large parts of the Syrian borders.

122. The increasing engagement of these players has led to a spillover of violence into their countries of origin. The military intervention of Hizbullah and Iraqi Shia militia on the side of the Government and the involvement of thousands of extremist militants in support of the rebels have heightened the pre-existing risks of instability in neighbouring States. The continuous armed confrontations in northern Lebanon and the rise of ISIS and its subsequent offensive in Iraq are indicators of the increased regionalization of the crisis.

123. Owing to their background and the narrative they use to justify their presence and operations in the Syrian Arab Republic, non-State actors have accentuated violence along sectarian lines, further aggravating religious and ethnic divisions.

124. Non-State players have also fuelled the radicalization of the belligerents, in particular of armed groups. In supporting the anti-government armed groups, charity organizations and private donors interested in the spread of extreme ideologies have privileged groups willing to endorse their beliefs.

3. Flow of foreign fighters resulting in the rise of extremism and terrorism

125. Predominantly driven by hardline religious ideology, foreign fighters who joined non-State armed groups initially gained prominence among their counterparts owing to their efficient involvement in both operational and governance activities. The respect they secured or the fear they enforced among local communities in areas held by armed groups has enabled them to influence the landscape in the direction of extremism.

126. The engagement of foreign fighters has benefited the extremist groups, such as ISIS and Jabhat Al-Nusra. These groups, designated as terrorist groups under Security Council resolution 2170 (2014), have used their fighting skills and, more importantly, their ability to use their ideology to effectively mobilize and recruit fighters. This has accentuated the supremacy that these groups have gained over the mainstream armed groups throughout the war, particularly in 2014.

127. These fighters have driven the radicalization process in areas held by armed groups. Besides their military engagement, they have also played a prominent role in religious, educational and judiciary "systems" established in these areas. Control of these fundamental aspects of civilian life will further radicalize communities under their authority.

C. Responsibility of the United Nations system

128. After more than two years of inaction on the crisis in the Syrian Arab Republic, the Security Council adopted resolution 2118 in September 2013, in which it required the verification and destruction of chemical weapons stockpiles, calling for the convening of the Geneva II peace talks and endorsing the establishment of a transitional governing body with full executive powers.

129. As the crisis worsened, the Security Council adopted resolution 2139 in February 2014. In the resolution, the Council requested that all parties, in particular the Government, allow humanitarian access across conflict lines, in besieged areas and across borders. The scope of resolution 2139 (2014) was broadened with the adoption of resolution 2165 (2014), in which the Council authorized cross-border and cross-line access for the United Nations and its partners to deliver humanitarian aid without State consent. In its resolution 2191, adopted in December 2014, the Council renewed its authorization to use routes across conflict lines as well as specified border crossings. It also renewed the monitoring mechanism created by that resolution.

130. In monthly briefings to the Security Council to follow up on the implementation of resolutions 2139 (2014) and 2165 (2014), the Under-Secretary-General and Emergency Relief Coordinator reported on the severe constraints and challenges still obstructing humanitarian access and highlighted issues relating to civilian protection. On 15 December 2014, she appealed to the Council to ensure that the parties to the conflict complied with resolution 2139 (2014) in its entirety. Although not specifically adopted in the context of the Syrian Arab Republic, resolution 2175 (2014) decried the increasingly common incidences of violence against participants in humanitarian operations, as well as the attacks on humanitarian convoys and destruction and looting of their assets.

131. In resolution 2170 (2014), the Security Council expressed its gravest concern that territory in parts of Iraq and the Syrian Arab Republic was under the control of ISIS and Al-Nusra, placed six individuals affiliated with the groups on its Al-Qaida sanctions list, and threatened measures against those who financed, recruited or supplied weapons to them. It affirmed the need for accountability for perpetrators of violations in Iraq and the Syrian Arab Republic. In its resolution 2178 (2014), the Council expanded the counter-terrorism framework by imposing obligations on Member States to respond to the threat of foreign fighters.

132. The failure of the Security Council to reach consensus on accountability, however, has allowed perpetrators to continue to operate with impunity. In May 2014, the Council failed to adopt a draft resolution calling for the referral of the situation in the Syrian Arab Republic to the International Criminal Court.

133. In the light of the manifest failure of the Government to protect its population from gross human rights abuses, the international community, through the United Nations, bears the responsibility of protecting the Syrian population from such crimes. The Commission looks forward to specific action by the United Nations to urgently adopt and implement a common "human rights up front" strategy to ensure that all engagement with the Syrian Arab Republic effectively takes into account and addresses the grave human rights situation.

V. Conclusions and recommendations

A. Conclusions

134. **In the report, the Commission has taken stock of seminal developments in the Syrian Arab Republic over the past four years, highlighting key trends that have characterized the conflict. The situation has degenerated from legitimate popular aspirations into a conflagration of an unparalleled scale and magnitude.**

135. **Missed humanitarian opportunities have been aggravated by the exponential rise in the perpetration of war crimes, crimes against humanity and human rights violations. The civilian population continues to bear the brunt of the pain and suffering, while the perpetrators are shielded from accountability. The responsibility for this unrelenting tragedy is shared by a variety of national, regional and international actors.**

136. **From the angle of humanitarian access and protection of civilians, the challenge is to adopt more assertive measures to ensure compliance by integrating human rights into the totality of the United Nations system to protect victims more effectively, with due regard for gender sensibility and the specific needs of children.**

137. **The current military stalemate is presaged by the Commission's reminder that there is no military solution to the conflict. An all-inclusive political process towards**

peace remains imperative. Any further delay or inaction will only contribute to the spread of extremism, the surge in foreign fighters, terrorism and the destabilization of the region.

138. That perpetrators have, for more than four years, committed crimes that shock the conscience of humanity raises questions about the inadequacy of the response of the international community. The Syrian authorities have demonstrated their unwillingness to bring perpetrators to justice. Extremism and terrorism proliferate daily, with groups such as ISIS and Al-Nusra carrying out unspeakable atrocities.

139. Considering the gravity of the findings of the Commission, it is crucial for the international community to adopt a common and effective strategy to address the impunity gap in the Syrian Arab Republic. The referral of the situation in the Syrian Arab Republic to the International Criminal Court through the Security Council remains a key option; however, the current lack of consensus among the permanent members of the Council invites the urgent consideration of establishing an international ad hoc tribunal.

140. The long-standing position of the Commission has been that its investigation methodology does not meet the normal requirements of due process, and consequently, alleged perpetrators of war crimes and crimes against humanity should not be named. After four years of intensive monitoring and the submission of four confidential lists of perpetrators, however, not to publish names at this juncture of the investigation would be to reinforce the impunity that the Commission was mandated to combat.

141. The Commission deems that it should interpret its mandate in a way that is most conducive to the protection of the victims of the conflict and their right to the truth. It is the Commission's hope that putting alleged perpetrators on notice will serve to maximize the potential deterrent effect of the findings of the Commission and help to protect people at risk of abuse.

B. Recommendations

142. The Commission of Inquiry reiterates the recommendations made in its previous reports, and makes those below.

143. The Commission recommends that all parties:

(a) Comply effectively with human rights, international humanitarian law and relevant Security Council resolutions, and use their influence to ensure that the individuals and groups supported by them also comply therewith;

(b) Combat the spread of violations, extremism and terrorism by bringing perpetrators to justice, while tackling root causes and promoting social inclusion and peaceful alternatives to violent narratives;

(c) Offer effective protection and assistance to civilians, including refugees and internally displaced persons, such as by providing safe spaces and access to basic necessities;

(d) Demand that all parties take effective measures to end all forms of unlawful recruitment of children or their use in hostilities;

(e) Respect the principle of non-refoulement and share the burden through a variety of measures, including resettlement of refugees, support for affected local populations and adequate response;

(f) Strengthen measures to help specific groups, such as women, children, persons with disabilities and minorities, including more programmes to provide sociopsychological support for rehabilitation/social reintegration, with due regard for the effective participation of beneficiaries;

(g) Provide adequate funding and other resources to respond to the humanitarian situation.

144. **The Commission recommends that the Government of the Syrian Arab Republic:**

(a) Halt immediately the use of illegal and indiscriminate weapons, including barrel bombs;

(b) End arbitrary detention, enforced disappearance, torture and other such violations;

(c) Permit full and unhindered access of humanitarian actors, in compliance with Security Council resolutions;

(d) Allow the Commission into the country and cooperate with it.

145. **The Commission recommends that the international community:**

(a) Use the principle of universal jurisdiction in accordance with national law to investigate and prosecute persons and groups implicated in egregious violations;

(b) Adopt targeted measures on the afore-mentioned persons and groups;

(c) Ensure that States and individuals desist from financing terrorism and extremism, in compliance with relevant Security Council resolutions;

(d) Call upon all parties to ensure that peace or reconciliation discussions systematically incorporate child and gender protection concerns;

(e) Respond adequately to the growing needs of refugees, internally displaced persons and their host communities, including by honouring existing pledges to United Nations appeals.

146. **The Commission recommends that the Security Council:**

(a) Support the work of the Commission and its access to the Syrian Arab Republic, list the situation as part of its formal agenda for discussion, and invite the Commission to give periodic briefings accordingly;

(b) Refer the situation to justice, through the International Criminal Court or an ad hoc international tribunal, bearing in mind the need to counter the systemic miscarriages of justice at the Syrian national level and the need to fundamentally reform the Syrian national justice sector;

(c) Adopt targeted measures against persons and groups credibly implicated in egregious violations;

(d) Impose more assertive measures to strengthen implementation of and follow-up on Security Council resolutions on the Syrian Arab Republic.

147. **The Commission recommends that the General Assembly:**

(a) Adopt a resolution in which it requests the Security Council to refer the situation to justice;

(b) Support the work of the Commission, including by submitting its report to the Security Council, and invite the Commission to give periodic briefings accordingly.

148. The Commission recommends that the Human Rights Council:

(a) Support the recommendations of the Commission and ensure continued monitoring and reporting on the situation in the Syrian Arab Republic.

Annexes

[English only]

Annex I

Correspondence with the Government of the Syrian Arab Republic

NATIONS UNIES
DROITS DE L'HOMME
HAUT-COMMISSARIAT

UNITED NATIONS
HUMAN RIGHTS
OFFICE OF THE HIGH COMMISSIONER

HAUT-COMMISSARIAT AUX DROITS DE L'HOMME • OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS
Tel: 41-22-9179110, Fax: 41-22-9179007

Independent International Commission of Inquiry on the Syrian Arab Republic established pursuant to
United Nations Human Rights Council Resolutions S-17/1, 19/22, 21/26, 22/24 and 25/26

3 September 2014

Excellency,

On behalf of the Independent International Commission of Inquiry on the Syria Arab Republic and in accordance with Human Rights Council resolution 23/25 of 21 March 2014, I am writing on the occasion of your appointment as the Permanent Representative of the Syrian Arab Republic to the United Nations Office at Geneva to request an opportunity to introduce you to the work of the Commission of Inquiry. Since the Commission's establishment in August of 2011, we have performed our mandate to investigate all violations and abuses of international law occurring in the context of the armed conflict in the Syrian Arab Republic.

In this context, we respectfully seek your assistance in the fulfillment of this mandate, including the documentation of human rights violations committed by the Islamic State of Iraq and the Levant (ISIS). We wish to reassure you of our commitment to full engagement with your Excellency's Government and our intention to reflect in our reports the perspective of all parties in the context of the current crisis.

Specifically, we would be highly grateful if commissioners Vitit Muntarbhorn and Carla Del Ponte could meet with you during their next visit to Geneva, from 12-16 September. During this period, the Commission of Inquiry will also present its next update to the Human Rights Council during the interactive dialogue scheduled on the morning of 16 September.

We would like to extend to you our sincere appreciation for taking this request into consideration and providing any assistance in this regard.

Sincerely,

James Rodehaver
Coordinator,
Independent International Commission of
Inquiry on the Syrian Arab Republic

H.E. Houssam El dine Alaa
Permanent Representative
The Permanent Mission of the
Syrian Arab Republic to the
United Nations Office at Geneva

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Tel: 41-22-9179110, Fax: 41-22-9179007

Independent International Commission of Inquiry on the Syrian Arab Republic established pursuant to
United Nations Human Rights Council Resolution S-17/1and extended by resolutions 19/22, 21/26, 22/24, and 25/23

15 December 2014

Excellency,

On behalf of the Independent International Commission of Inquiry on the Syria Arab Republic and in accordance with Human Rights Council resolution 23/25 of 21 March 2014, I am writing to reiterate the Commission's request for access to the country in order to fulfil our mandate to investigate all violations and abuses of international law occurring in the context of the armed conflict in the Syrian Arab Republic. The Commission undertakes its tasks objectively and impartially.

In this context, we respectfully seek your assistance in the fulfilment of this mandate. We wish to reassure you of our commitment to full engagement with your Excellency's Government and our intention to reflect in our reports the perspective of all parties in the context of the current crisis. Specifically, we would be highly grateful if a visit could be arranged for us at the earliest convenience of your Government. This visit would aim to enable our Commission to continue investigations into violations of international human rights and international criminal law committed by the terrorist group, the so-called "ISIS" (or *Da'esh*).

As you may know, our Commission's latest report: *Rule of Terror: Living under ISIS in Syria* was published on 14 December 2014. Its findings set out the criminal responsibility of the leadership and fighters of the so-called ISIS for war crimes and crimes against humanity committed during their seizure of territory in north-eastern Syria. These crimes have continued to be perpetrated. Our Commission would request your Government's kind assistance in facilitating contacts with civilian victims of the terrorist group or their families, and family members of Syrian Army personnel captured, tortured and/or summarily executed by ISIS, including in Tabqa airbase, Raqqah, and Dayr Az-Zawr. Meetings with relevant government officials would also be most welcome.

We would like to extend to you our sincere appreciation for taking this request into consideration and providing any assistance in that regard.

Again, on behalf of the Commission of Inquiry, I would like to avail myself of this opportunity to extend to you assurances of my highest consideration.

Sincerely,

Paulo Sérgio Pinheiro
Chair, Independent International Commission of
Inquiry on the Syrian Arab Republic

His Excellency
Mr. Hussam Alaa
Permanent Representative of
the Syrian Arab Republic to the
United Nations Office at Geneva

Annex II

Violations documented between 15 July 2014 and 15 January 2015

A. Massacres and other unlawful killing

1. In October 2013, following the request of the Human Rights Council to investigate all massacres,[a] the commission adopted the following working definition of a massacre:

> An intentional mass killing of civilians not directly participating in hostilities, or hors de combat fighters, by organized armed forces or groups in a single incident, in violation of international human rights or humanitarian law.

2. Massacres include multiple instances of the war crime of murder, the war crime of attacking civilians, and the war crime of sentencing or execution without due process. When murder is committed as part of a widespread or systematic attack directed against a civilian population, perpetrated pursuant to or in furtherance of a State or organizational policy, the commission of massacres may amount to the crime against humanity of murder.

1. Government forces

3. Throughout the reporting period, the Government has continued to heavily shell and bombard areas of Syria held by anti-Government armed groups and ISIS. These attacks have often resulted in mass civilian casualties.

4. Where there are reasonable grounds to believe that the shelling, bombardments or bombings intentionally targeted civilians, such attacks fall within the definition of a massacre.

5. On the morning of 9 August 2014, a Government helicopter dropped a barrel bomb on a crowded vegetable market in Al-Maadi district of Aleppo city. According to first responders at the scene, the barrel-bomb killed 20 civilians, including one entire family. Some people died when they were buried under rubble as a nearby building collapsed. Dozens were injured.

6. On 11 September, a Government helicopter dropped a barrel bomb on a livestock market in Al-Bab (Aleppo), a town under the control of ISIS. The livestock market, held every Thursday, is the biggest in Aleppo governorate and attracts people from the surrounding countryside and bordering governorates. The barrel bomb killed at least 21 civilians and injured over a dozen more. A significant amount of livestock was killed. There were no indications of any military targets inside or near the livestock market.

7. One week later, on 18 September, a Government helicopter again dropped barrel bombs on Al-Bab (Aleppo). One barrel bomb hit a bakery, where people were queuing for bread. This bomb killed 35 people and injured many others. A second barrel bomb hit Al-Bab covered market, killing shoppers and vendors inside. The bomb set fuel stores in the market ablaze, further increasing civilian casualties. This attack killed 20 civilians, including women and children. Approximately 80 people were injured. The nearest ISIS military position was 1 kilometre away.

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a HRC resolution 21/26, para. 19.

8. On approximately 9 October, Government forces aerially bombarded Irbin market, near Hammourieh in eastern Ghouta (Rif Damascus), killing scores of civilians and injuring many others. There were reportedly no military targets in the area.

9. On 6 November, a Government helicopter targeted Al-Muwaslat neighbourhood in Aleppo city, dropping two barrel bombs. The bombs hit a residential neighbourhood, killing 20 people including women and children and injured dozens more.

10. Also on 6 November, a Government helicopter dropped two consecutive barrel bombs on Al-Shaar neighbourhood. The first bomb killed civilians in its area of impact, while others were buried in the rubble of a building which collapsed. As people rushed to help the buried and wounded, they were targeted by the second barrel bomb. Approximately 15 people were killed, most of whom were women and children. Dozens were injured. Some of the wounded later died in field hospitals, reportedly as a result of lack of necessary medical supplies.

11. On 10 December, Government forces stationed in Al-Ramousa (Aleppo) fired artillery shells into Al-Mashed neighbourhood of Aleppo city. Twelve people were killed, including two children. Eight were injured.

12. The Government has continued its campaign of aerial bombardment in Aleppo and Rif Damascus. There are an increasing number of reports of aerial bombardments across Ar Raqqah and Al Hsakah districts. These remain under investigation.

13. The Government's aerial attacks, directed at civilians, are consistent with the Government forces' counterinsurgency strategy. Employed since 2012, the strategy includes creating conditions of life so unbearable that the civilian population living in armed-group-controlled areas displace, eroding possible bases of supporting for the groups.

14. While the commission has received multiple, consistent accounts of deaths in Government detention facilities, it was not possible to confirm that multiple deaths occurred in a single incident, as required under its definition of 'massacre'. These deaths are documented below in the section on Other Unlawful Killing.

2. Non-State armed groups

Anti-Government armed groups

15. During and immediately prior to the reporting period, armed groups operating in and around the Al-Salamiyah area of Hama governorate attacked and killed civilians.

16. Shortly after an attack on Khattab village (Hama) on 17 June 2014 which killed three men, including one soldier who was home on leave, an armed group again attacked the village. In the course of this attack, fighters killed 16 people. Some victims had their throats cut and some of the bodies were reportedly mutilated. At least one victim was a pregnant woman. No group has claimed responsibility for this attack.

17. On 10 July 2014, armed groups entered Al-Rahjan village, the home of the Government's then Defence Minister. After killing soldiers guarding the residence, fighters moved through the village killing civilians living there. One interviewee described fighters shouting that the family were infidels, while dragging a male family member out of the house and executing him. While the fighters appeared focussed on killing fighting-age men, the killing of women and children was also documented. Jabhat Al-Nusra and Tajamu Ajnad Al-Sham claimed responsibility for this attack.

18. In early August, members of an armed group attacked Tal Al-Muzairia village, home to an Ismaili Muslim community. Most of those killed were adult men. A 12-year-old girl was also killed. Three children, including one toddler, were seriously injured. The attackers also stole cattle and livestock. Tal Al-Muzairia had been attacked previously in

February 2014, when the armed group reportedly killed an elderly man. In both incidents, those interviewed stated they believed the armed group responsible was based in Rastan in northern Homs.

19. In the early hours of 1 September 2014, double car bombs exploded in Housh Beit Zidan, a village in the Taldara countryside (Hama). The first car bomb exploded as the car made its way along a secondary road on the eastern side of the village. It killed two people and injured nine others. Among the injured were four children who lost limbs. Approximately 20 minutes later, a second car bomb exploded, this time on a secondary road on the western side of the village. It killed six members of one family. No group claimed responsibility for this attack.

20. On 1 October 2014, two bombs exploded near two schools, the El-Makhzoumi and Mohdatha schools in the Akrama neighbourhood of Homs city. The first explosion occurred shortly after children were leaving school, reportedly killing at least 30 boys and girls. Ten minutes later, another bomb was detonated. Reports indicate that the second bombing was the result of a suicide bomber exploding himself near the entrance of the Makhzoumi school, ushering those fleeing the first blast into the school. There were no military targets in the area. While it has not been possible to confirm the number killed, the casualties included children, some of whom were torn apart in the blasts. No group claimed responsibility for this attack.

Islamic State of Iraq and Al-Sham (ISIS)

21. ISIS has carried out massacres of civilians and captured soldiers in Ar Raqqah, Homs, and Dayr az Zawr. While eyewitness accounts were collected, in several incidents, the killings were carried out in isolated locations and the bodies of the victims were neither displayed by the group nor able to be retrieved by the families. The group has published photographs and videos of the killings and acknowledged their responsibility for them publicly.

22. By mid-2014, ISIS had besieged the 17th Division's base in Raqqah city and the Tabqa airbase, two of the last Syrian army positions in Ar Raqqah governorate. When the 17th Division base fell on 25 July 2014, the armed group killed the soldiers captured inside and later beheaded many of their corpses. Residents of Raqqah city and Slouk described that, in the days that followed the attack, ISIS displayed the bodies and heads in the town squares. Videos, some recorded by the group, showed children looking at the mutilated corpses.

23. By 23 August 2014, the group had launched its final assault on Tabqa airbase. As it became apparent that the base would fall to ISIS, some soldiers fled across the desert. While a few made it to the safety of army positions many miles away, others were captured and killed in small groups in nearby towns, such as Slouk and Tabqa.

24. Over two hundred men, most captured still inside the Tabqa airbase, were stripped to their underwear and forced to walk into the desert. A video of this forced march was recorded and later distributed by ISIS. A later video showed hundreds of bodies lying dead in the sand, bearing gunshot wounds to the head.

25. On 16 November 2014, ISIS released another video in which they cut the throats of 18 captured soldiers. A family member of one of the men executed in this video stated that he recognised his relative who had been a serving soldier at the Tabqa airbase at the time of the August attack. It appears, however, that others had been captured from other locations, including during ISIS's overrunning of the 17th Division in Ar Raqqah in late July 2014.

26. In mid-July 2014, ISIS fighters seized the Sha'ar gas field in eastern Homs, killing an alleged 350 people in close quarters after capturing the area. Among those killed were technicians and other staff working at the gas fields and their family members, including

children. The body of a doctor who was killed in the attack was found on 27 July in his medical clinic, with his hands tied and having been shot at close range. The family of a civilian guard at the facility received his body at the hospital in Homs city. He had been shot twice in the head. The family also saw the bodies of women and children who had been killed in the attack. Another family collected the body of their son, a technician at the oil fields, from the same hospital. He took had been shot in the head. Civilian residents of nearby villages, such as Al-Mahfoura, were also killed in the attack.

27. In August 2014, ISIS attacked and killed several hundred members of the Al-Sheitat tribe of eastern Dayr az Zawr. The tribe had its own militia which, earlier in the conflict, had been affiliated with the FSA. Some Al-Sheitat tribesmen had, by 2013, become part of Jabhat Al-Nusra, which had allowed the tribe to continue to exercise control over its territory and to continue to extract oil from the oilfields located there.

28. In the summer of 2014, fighting broke out between Jabhat Al-Nusra and ISIS over control of territory – and in particular, the oilfields – in eastern Dayr az Zawr. While the massacre of the Al-Sheitat tribe in Dayr az Zawr in August 2014 occurred as part of a struggle for control of oil resources near the town of Mohassan, the circumstances surrounding the killings are complex. The clashes between ISIS and Al-Sheitat, which preceded the massacre, related more broadly to control of the eastern provinces of Dayr az Zawr and were an epilogue to the fighting which had erupted in April 2013 between ISIS and Jabhat Al-Nusra, as well as the local tribes that had been aligned to each of these groups.

29. During the initial days of the fighting, ISIS attacked oil fields under the control of Al-Sheitat and captured 85 workers, including some minors. The following day, they released photographs of their executions. In the days following these killings, ISIS shelled Al-Sheitat villages and then entered the villages, killing its male residents, including children and the elderly. Some civilians were also killed while fleeing. ISIS released several videos showing the killing perpetrated by its fighters.

30. ISIS publicly displayed the bodies of some of those killed. One survivor described seeing "many heads hanging on walls while I and my family escaped." Individuals living nearby reported seeing freshly dug mass graves.

B. Other unlawful killing

1. Government forces

31. In the reporting period, deaths of men, women and children at the hands of the Government have occurred in two distinct contexts. The first is the death of those held in Government detention facilities and prisons. The second are those killed during Government attacks, both on contested towns and villages and those under the control of anti-Government armed groups and ISIS. In this latter context, civilians were killed by snipers as well as a result of the indiscriminate and disproportionate attacks by the Government.

Deaths in detention

32. Since the unrest in Syria began, the Government has arrested and detained thousands. As detailed in this and previous reports, many are taken into and moved among Government detention facilities, including its intelligence and security agencies, and its prisons. Most detainees held longer than a matter of weeks are eventually transferred to detention facilities in Damascus and Rif Damascus governorates. In these facilities, consistent reports of deaths of detainees held in Government custody have most frequently been documented.

33. In this reporting period, multiple, consistent accounts of the deaths of detainees have been recorded in Air Force Intelligences branches at Mezzeh Military Airport and Harasta; Military Security branches 215 (Raids branch), 227 (Damascus regional branch) and 235 (Palestine branch); and Sednaya prison.

34. Most accounts of deaths come from the deceased's cellmates or former detainees. In some cases, family members were informed of the deaths and received the bodies of their relatives. In every case where a body was returned, it bore marks of severe torture.

35. People died in custody as a result of acts and omissions on the part of the Government authorities. Some are killed while being tortured in interrogation sessions or during beatings by prison guards in the cells. In some cases, detainees are returned to the cells with life-threatening injuries to which they soon succumb.

36. Injuries sustained as a result of torture became fatal due to the victims' receiving little or, more often, no medical treatment. In other instances, detainees had pre-existing conditions such as diabetes, asthma or high blood pressure. The lack of medical care, coupled with the conditions of detention, led to easily preventable deaths of detainees.

37. The severe overcrowding and squalid conditions of detention have led to inmates' becoming extremely ill – chronic diarrhoea and skin infections were often reported. The lack of medical treatment, access to toilet and shower facilities, adequate food and potable water led to the physical weakening and eventual death of detainees. Some detainees who lost substantial body weight, had on-going injuries and were still undergoing torture in interrogations and while detained in cells did not have the physical stamina required to continue to survive inside Government detention centres.

38. There has been an increase in reports of family members being informed by the Government of the death of their relatives. Multiple interviewees stated that they had been directed to Tishreen Military Hospital in Barzah (Damascus) to collect a death certificate, and occasionally their relative's identification documents. The death certificates often indicate that the detainee died of "cardiac arrest" or "stroke".

39. Most families who receive death certificates did not receive the body. In response to inquiries, Government authorities occasionally reportedly stated that the deceased had already been buried. Some relatives of victims were told that bodies are buried in a mass grave in Najha cemetery (Rif Damascus). Other than the death certificate, families received no further documentation or proof that the victim died.

40. In late December 2013, a man was called for interrogation at a local intelligence office in Damascus city and subsequently disappeared. A family member heard from a detainee who had been held at branch 215, that the man had also been detained and had died there after being tortured. The family visited a security branch in Damascus in late 2014 and received a death certificate issued by Tishreen Military Hospital. The death certificate was dated in early October 2014 and stated that the relative had died in mid-July 2014. The cause of death was listed as 'cardiac arrest'. The family never received the body. The family of a man arrested during the Government attack on Hosh Arab (Rif Damascus) was held in branch 227. His family received his death certificate from Tishreen Military Hospital in May 2014, but did not receive the body.

41. In mid-2014, a doctor was transferred from a detention facility in Damascus to Air Force Intelligence in Mezzeh Military Airport where he was held until October. While there, he witnessed the deaths of five other inmates. Two detainees died of pre-existing medical conditions, aggravated by the conditions of detention and the lack of any medical care. In both instances, the detainee informed the prison guards that the men were dying but this elicited no response. In the case of the other deaths, the men had been severely tortured

and later died. Bodies remained in the cells for hours, sometimes overnight, before being removed by the guards.

42. A female detainee held in branch 235 between April and August 2014 witnessed male inmates being tortured. She also saw emaciated men being returned to their cells from interrogations. During her detention, she saw four bodies being removed from the cells.

43. A women's husband and three sons were arrested by Government forces in town in Rif Damascus in December 2013. She made attempts to locate them through official channels but received no response. Their whereabouts were unknown until former detainees informed her that they were being held in branch 235. Several months later, the Military Police in her town informed her that her husband had died in custody. They were directed to the Al-Qaboun Military Police in Damascus where they received her husband's ID card and a death certificate from Tishreen Military Hospital, stating her husband had died of a heart attack. In the months that followed, she received the IDs and deaths certificates for two of sons from Al-Qaboun Military Police. The death certificates were stamped as originating from Tishreen Military Hospital. She was not permitted to receive the bodies and was not informed of the place of burial. Despite continuing efforts, she does not know the whereabouts of her remaining son.

44. There were multiple accounts of detainees dying in Sednaya prison (Rif Damascus) in 2014. One detainee, released during this reporting period, witnessed the deaths of two cellmates in February and March 2014 respectively. Both detainees died following severe beatings with metal bars and cables by prison guards inside the cell. The corpses of the deceased remained in the cell for several hours before being removed by the guards. Another detainee held in Sednaya and released in July 2014, described a cellmate dying after being left on the ground bleeding after a beating by prison guards. The same detainee saw several detainees pass away between March and June 2014 after being extremely ill, with severe diarrhoea. Another detainee, also detained in Sednaya during this time, described the death of several other detainees in similar circumstances.

45. In many instances, families who were informed of the deaths of their relatives never discovered where they had been held. In late 2013, intelligence officers detained several students at a university in Damascus. In the case of one student, the family attempted unsuccessfully to locate him. In October 2014, officers at branch 235 told the father to go to Tishreen Military Hospital, where he received his son's identification card and death certificate.

46. The practice of producing official death certificates appears to be growing, but is not consistent. It is apparent that the certificates are issued in order to misrepresent the causes of death and conceal detainee abuse. Many families simply do not know what has happened to their relatives after their initial arrest by Government forces or abduction by pro-Government militia. Such incidents amount to enforced disappearances.

Deaths by sniping, shelling and bombardments

47. Civilians have been deliberately targeted and killed by Government forces during military attacks. Indiscriminate and disproportionate attacks by Government forces have also contributed significantly to civilian casualties.

48. Government snipers, reported to be based near Al-Watani hospital, killed several civilians in the Tariq Al-Sad neighbourhood of Dara'a city (Dara'a) between June and September 2014.

49. Civilian deaths continue to be recorded as a result of the Government's aerial bombardment campaign on anti-Government armed-group-controlled areas of Aleppo city as well in towns in Rif Damascus and Dara'a governorates. In the eastern neighbourhoods of Aleppo city, notably Al-Sukkari, civilians were killed when barrel bombs were dropped

indiscriminately by Government helicopters flying at high altitudes. Government barrel-bombing also killed civilians in Qadi Askar neighbourhood in January, June and October 2014.

50. As the Government's aerial bombardment in Dara'a governorate has intensified, civilian casualties has climbed. Between June and August, Government rocket and barrel bomb attacks on Tafas killed civilians. In one incident in August 2014, a barrel hit a home that was close to a market, killing nine members of the same family. In early August, an attack on Samlin hit a family home, killing a 12-year-old girl.

51. Multiple reports were received of civilians killed in Government attacks in locations across Dara'a in October 2014. On 9 October, Government forces fired rockets into the Tariq Al-Sad neighbourhood of Dara'a city, killing a six-year-old boy and critically injuring his two sisters, 7 and 2 years old. In Al-Mahata market in Dara'a city, civilians were killed in a barrel-bombing attack in mid-October 2014. On 19 October, a family of five living in an armed-group-controlled neighbourhood were killed when a barrel-bomb landed on their house as they sat down to dinner.

52. On 4 October, two civilians were killed and twelve others injured when a Government artillery shell hit a vegetable shop in Inkhil. Two weeks later, on 19 October, two farmers working their fields outside of Al-Mezeireeb village were killed by a rocket launched by a Government plane. Attacks on Al-Mezeireeb, resulting in further civilian casualties, reportedly continued on in November 2014.

53. Civilians have also been killed in indiscriminate and disproportionate attacks by the Government on ISIS-controlled areas of Aleppo, Ar Raqqah, Dayr az Zawr, and Al Hasakah governorates.

54. On 18 October, Government forces hit Al-Mahdom Bakery in Minbeij (Aleppo), killing approximately 25 civilians working there. The Government has intensified its rocket and barrel bomb attacks on Ar Raqqah governorate in recent months. On mid-October and in late November, civilians living in Raqqah city were killed in indiscriminate airstrikes by Government forces. One attack on an industrial area east of Raqqah city on 25 November, resulted in extensive civilian casualties.

55. In July, civilians were killed in an airstrike on Al-Ashara (Dayr az Zawr). On 3 August, a Government airplane struck Al-Tayanna (Dayr az Zawr), killing six civilians. Also in August, airstrikes seemingly targeted a municipality building being used as an ISIS base in Al-Mayadin. The strike also hit a nearby market. This attack killed thirteen civilians in the market at the time. On 3 September, a Government jet struck an ISIS checkpoint near Al-Shula. While killing ISIS fighters, the disproportionate attack also killed 21 civilians, most of them children, who were in a bus at the checkpoint at the time.

56. Fighting has surged among Government forces, ISIS, YPG and local militias in neighbourhoods of Hasakah city and in towns and villages south of Qamishli. In August 2014, as ground fighting between the YPG and the Ahrar Al-Ghweran armed group was taking place in Al-Ghweran neighbourhood of Hasakah city, Government forces shelled neighbourhoods indiscriminately, resulting in civilian casualties. On 12 August, 11 civilians were killed, including one child who bled to death following injuries from heavy shelling by Government forces.

Findings

57. Government forces perpetrated massacres and unlawful killings as part of a widespread attack directed against the civilian population. The attack included widespread shelling and bombardment of civilian-inhabited localities and the targeting of civilians for arrest, detention and disappearance on the basis of their association or perceived opposition to the Government. It is a continuation of the attack on the civilian population identified in

document A/HRC/25/65. The coordination and active participation of Government institutions indicated that the attacks were conducted as a matter of institutional policy.

58. The massacres and unlawful killings formed part of those attacks and constitute crimes against humanity. Government forces also committed the war crime of murder and has arbitrarily deprived people of life.

2. Non-State armed groups

Anti-Government armed groups

59. Anti-Government armed groups have killed civilians during ground attacks in Hama governorate. They have also caused civilians deaths through indiscriminate shelling of neighbourhoods, villages and towns controlled by the Government.

Ground attacks

60. In mid-August 2014, fighters from an unidentified armed group entered a village in the Al-Salamiyah countryside (Hama). Villagers fled at the sound of approaching gunfire. The following day, residents returned and found the bodies of an elderly couple, who had been too infirm to flee, and their daughter. They had been shot. The bodies had been cut with a knife though it is unclear if those wounds were sustained before or after death. Armed groups had reportedly shot and killed civilians travelling between Al-Qbaibat and Al-Saboura in early 2014. It was not possible to identify the armed group to the commission's standard of proof.

Bombings and shelling

61. Armed groups have launched indiscriminate attacks on areas under Government control in Hama, Damascus, Dara'a, and Aleppo, killing civilians.

62. Armed groups have increased their use of vehicle-borne and other improvised explosive devices in Hama governorate. In August, two civilian men were killed by a roadside bomb placed on the Al-Kafat – Taldara road. A few weeks later, in September, another roadside IED was detonated as a car drove between Al-Kafat and Taldara. The explosion killed a father and his child and severely injured the mother. On 24 September, Jabhat Al-Nusra claimed responsibility for a suicide bombing which killed two people and injured 10 others in Ain Amouda village.

63. On 4 and 9 September 2014, an armed group fired rockets into villages in the Al-Ghab area (Hama) killing civilians. On 12 November, rockets fired from the direction of Kafr Zeita struck a schoolyard in Karnaz (Hama), killing seven children.

64. Armed groups holding territory in Damascus city and eastern Ghouta in Rif Damascus have indiscriminately shelled neighbourhoods under Government control, causing civilian casualties. On 31 July, two children were killed while standing on their balcony in Karm Asmadi neighbourhood when they were hit by mortar fire. On 13 August, a shell landed in a public park in Jaramana neighbourhood, killing three children. On 20 and 30 September, an armed group fired mortars into Douelaa neighbourhood, killing civilians – including minors – on both occasions.

65. IEDs were also placed on roads between villages in western Suweida western countryside (As-Suweida). On 3 September, one exploded between Dama and Areeqah as a bus drove past. Five civilians were killed. Armed groups around Busra Al-Sham (Dara'a) shelled the town throughout 2014, killing civilians. On 26 December, a six-month-old baby was reportedly killed by mortar fire into Zahra (Aleppo).

Findings

66. In committing these acts, the anti-Government armed groups perpetrated the war crime of murder. Due to the fragmented nature of armed groups and frequently shifting alliances and membership, it is challenging to identify exact perpetrators.

Islamic State of Iraq and Al-Sham

67. Throughout the reporting period, ISIS has killed civilians, captured Government soldiers and captured fighters from other armed groups in Aleppo, Ar Raqqah, Dayr az Zawr and Al Hasakah governorates. While the group is infamous for its public executions and its display of mutilated bodies, ISIS has also killed people held in its detention centres, journalists, and those captured during military attacks or bought from other armed groups. Civilian deaths were also recorded due to the group's indiscriminate shelling of Ayn al-Arab (Kobane) in September 2014.

Sentencing and executions without due process

68. ISIS has killed men, women and children in public spaces in towns and villages across northeastern Syria. Many of those executed were found guilty by ISIS courts of being affiliated with other armed groups or collaborating with the Government. In public declarations made before the executions, ISIS designated such people as "kuffar" or infidels. In other cases, the victims were civilians who had breached ISIS's edicts. Local residents are urged to watch. In some cases, men and boys on the streets near execution sites are forcibly taken to witness the killings.

69. Executions have been recorded in Ar Raqqah, Aleppo, Dayr az Zawr, Al Hasakah, and Hama governorates. While most of the soldiers from the Tabqa airbase on 23 August, were killed en masse soon after capture, smaller groups of soldiers captured as they fled in the desert were later executed in Slouk and Tabqa. Two soldiers, captured outside the base, were brought to Slouk and executed in a public square between 28 and 30 August 2014. A 16-year-old ISIS fighter carried out the beheading. Two more captured soldiers were executed publicly in Tabqa in late August 2014.

70. After killing the captured soldiers, ISIS mutilated their bodies. The group placed the decapitated heads of some of the soldiers on public display in squares and on roundabouts in Tabqa and Raqqah cities, terrorising the local population.

71. ISIS executed men in Al-Jurniyah (Ar Raqqah) in July 2014. Furthermore, heads of the executed soldiers captured from the 17th Division base were displayed in parks and roundabouts around the town in late July. Executions continue to take place regularly in Al-Na'im Square in Raqqah city with multiple accounts of heads and bodies being placed on display in the square.

72. The group has executed women and men for unapproved contact with the opposite sex, resulting in charges of adultery. In Ar Raqqah governorate, ISIS executed eight women on these grounds on three separate occasions in June and July 2014. Most were stoned to death, ostensibly for adultery. Others interviewed indicated that the women had been discovered helping fighters from other armed groups.

73. Multiple accounts of ISIS executing men in Minbeij (Aleppo) were collected. Between August and October, residents witnessed executions of young men and the display of their bodies in the public park. Executions were also documented in Al-Bab (Aleppo) in July and August 2014.

74. Following ISIS's taking over part of Dayr az Zawr governorate, there has been an escalation in reports of public executions, notably in Al-Ashara, Al-Mayadin, Al-Bukamal, Al-Shuhail, Al-Bouamrou and Al-Tayanna. On 16 September, a 16-year-old boy, alleged to be a fighter with an armed group, was shot in the head by an ISIS fighter in a public market.

The body was displayed for several days. On 15 October, ISIS declared that it had executed a man in Al-Ashara for practising sorcery.

75. Dozens of executions were recorded as taking place in Al-Mayadin in July and August 2014, shortly after ISIS solidified its control of the town. Residents recalled seeing 30-40 bodies hung around the Al-Bal'oum roundabout throughout August. In August, ISIS fighters executed two men found to have committed rape. In late August, ISIS detained and beheaded a female dentist in Al-Mayadin who had continued to treat patients of both sexes.

76. Men were also executed, by beheading in Al-Bouamrou and Al-Tayanna in late July and late August, respectively. On 30 August, three males, including a 16-year-old-boy were executed at a roundabout in Al-Bouamrou. In September, ISIS killed a captured Al-Nusra fighter in a park in Al-Shuhail.

77. On 10 July, ISIS executed two men accused of being Government soldiers in front of a municipal building – which the group had transformed into an ISIS court – in Hasakah city (Al Hsakah). In late 2014, the group executed a man they believed to be a member of another armed group in Al-Houl (Al Hsakah).

78. In Hama governorates, ISIS executed a man in a public square in Aqaribat in October 2014. The group reportedly shot and killed a woman in May 2014 on the grounds that she had committed adultery.

79. Following ISIS executions, as described above, the mutilated bodies of male victims are often placed on display, a warning to the local population of the consequences of failure to submit to the armed group's authority. The group also circulated photos of the bodies of executed captured female Kurdish fighters on social media in late 2014. Interviewees, notably in Raqqah city (Ar Raqqah) and Al-Mayadin (Dayr az Zawr) remarked that bodies were "always" on display and demonstrated a growing desensitisation that underpinned the trauma of the civilian population.

Deaths in detention

80. As ISIS further solidified control of localities in north and eastern Syra, it set up court and detention facilities. Detention facilities are sometimes in former Government detention facilities, such as Jarablus prison. In other cases, ISIS sets up makeshift detention centres in municipal buildings or private houses.

81. In late September 2014, ISIS shot and killed three prisoners shortly after their arrival at Jarablus prison (Aleppo). The killing occurred soon after an airstrike close to the prison. Reportedly, two of the men were accused of being fighters with an anti-Government armed group while the third was accused of being a member of the YPG. A former detainee held by ISIS in Al-Bab (Aleppo) stated that prisoners in Al-Bab had been tortured and executed by ISIS. Prisoners were removed and did not return. This included two boys, aged 13 and 11 years. The killing of ISIS detainees was also documented in a detention centre in Al-Bukamel in August 2014.

Killing of journalists

82. Since ISIS came into being in April 2013, the group has killed Syrian and international journalists and aid workers in a deliberate attempt to control the flow of information in the areas under its control.

83. On or about 19 August and 2 September 2014, ISIS executed two American journalists in an unknown location. On 13 September 2014, the group executed a British aid worker. All three had been abducted and detained inside Syria.

Killing of civilians and captured fighters during ground attack on Ayn al-Arab (Kobane)

84. On 15 September 2014, ISIS launched a multi-front attack on the Ayn Al-Arab (Kobane) region with heavy weapons, artillery, tanks, and thousands of fighters. While most residents fled or were evacuated by the YPG before ISIS advanced, some men and women who did not flee – who were too old, too infirm, disabled, or who had remained to protect their property – were executed by ISIS. Executions of civilians were documented in Pinard, Tel Sha'eer, Kortek, Qaramou, Tel Haydar, Dongez and Biliq villages in late September and October 2014. In Pinard village, one of those killed by ISIS was a mentally handicapped man.

85. ISIS executed Kurdish fighters captured during its attack. In mid-September 2014 in Tel Abyad (Ar Raqqah), ISIS executed a female Kurdish fighter before a group of detained civilians from Ayn al-Arab (Kobane).

Killing of a captured soldier purchased from another armed group

86. In late June 2014, a group claiming to be the Islamic Front kidnapped a soldier at a checkpoint in Al Hasakah. They made a ransom demand to the soldier's family but the family was not able to pay. In July the group reportedly sold the soldier to ISIS. On 16 November, ISIS released a view purporting to show the soldier's execution. The family was able to identify the soldier in the video as being their relative. The location of the execution remains unclear.

Shelling of Ayn al-Arab (Kobane)

87. In mid-September 2014, prior to and during the initial phases of ISIS's attack on the Ayn al-Arab (Kobane) region, ISIS indiscriminately shelled towns and villages across Ayn al-Arab (Kobane), as well as the city. Multiple accounts were received of men, women and children having been killed by the shelling. In late September, a 15-year-old boy was killed by ISIS shelling of the city. On 22 and 23 September, a 55-year-old and a 60-year-old man were killed as they fled from the city towards the Turkish border.

Finding

88. ISIS justifies its executions by religious law. While investigations into the operation of ISIS sharia courts are ongoing, there are reasonable grounds to believe that ISIS has committed the war crime of execution without due process. ISIS carried out public executions to instil terror among the population, ensuring submission to its authority.

89. By its public display of bodies and failure to honourably inter them in accordance with the rites of the religion of the deceased, ISIS has violated customary international humanitarian law. Displays of dead, mutilated bodies are deliberate acts intended to humiliate and degrade the victims and their family, amounting to the war crimes of outrages upon personal dignity.

90. ISIS has committed acts of violence against the civilian population under its control in Ar Raqqah and in its areas of control in Dayr az Zawr, Al Hasakah and Aleppo governorates. That is a continuation — and a geographic expansion — of the widespread and systematic attack on the civilian population identified in document A/HRC/25/65. ISIS, a structured group, directs and organizes those acts of violence against civilians, evincing an organizational policy.

91. The massacres and unlawful killings in Ar Raqqah, Dayr az Zawr, Al Hasakah and Aleppo governorates, as described above, form part of the attack. In perpetrating those killings in those governorates, ISIS has committed the crime against humanity and the war crime of murder. The war crime of murder has also been committed in relation to the massacres and other unlawful killings in Hama and Homs governorate. In deliberately attacking persons, such as journalists, the armed group has committed a war crime.

B. Hostage-taking

92. In this reporting period, non-State armed groups, motivated by the need to effect a prisoner exchange or extract ransom, have abducted individuals, in violation of international humanitarian and criminal law.

93. Where ransoms are demanded, it is increasingly difficult to discern whether the perpetrators are parties to the conflict, or simply an opportunistic criminal gang.

Non-State armed groups

Anti-Government armed groups

94. Armed groups in Damascus and Al-Quneitra have kidnapped civilians and members of the Syrian armed forces, in order to force prisoner exchanges.

95. Twenty-six hostages, mainly women and children, captured by Jabhat Al-Nusra in December 2013 in Adra Al-Omaliyah (Damascus), are still being held. Relatives of the female hostages have received telephone calls, ostensibly from members of the group, demanding that the families urge the Government to release detained Al-Nusra fighters as part of a prisoner exchange. Al-Nusra released a video repeating these demands shortly after the kidnapping. Since August 2014, however, there has been no news of the hostages.

96. In mid-June 2014, an armed group attacked Tal Al-Jumou military base in Al-Quneitra, capturing a Colonel. The group then sought to exchange the officer for 200 women held by the Government in detention centres in Damascus.

97. In August 2014, nine members of a family – including three women and two children aged 12 and 10 years – were kidnapped by an unidentified armed group from their home in a village in the eastern Hama countryside. Their property was destroyed during the attack. In exchange for the release of the hostages, their kidnappers demanded the defection of a son currently serving in the army.

98. Anti-Government armed groups operating in Hama, Damascus and Dara'a have taken hostage civilians from families or areas perceived to be supportive of the Government, and have demanded ransoms. In June 2014, a farmer was kidnapped from fields outside the village of Al-Muzairia (Hama) and held for ransom for several weeks by an unidentified armed group based in Al-Staihat.

99. In late June, two soldiers returning from home leave were kidnapped at the Tel Brak checkpoint (Al Hasakah). Shortly afterwards, a group claiming to be the Islamic Front contacted the family, provided proof of life, and demanded a high ransom. As the family was unable to raise the necessary funds to meet the group's demands, in July 2014, the group informed the family that they were selling the soldiers to ISIS in Ar Raqqah. ISIS later released a video purporting to show the execution of the two soldiers. In mid-2014, a taxi driver was abducted by an armed group while driving between Dama and Dir Dama (Damascus). The abductors demanded 5 million Syrian lira as ransom. The man was released after the family paid 1.5 million lira.

100. Armed groups continue to hold hostages for extended periods. On 4 August 2013, groups – including Ahrar Al-Sham and Jabhat Al-Nusra – abducted over 100 civilians during an operation on villages in eastern Latakia. Approximately 40 were released in the beginning of May 2014, after signing an agreement between fighters and the Government enabling the withdrawal of rebel fighters from Homs city. On 26 January 2015, a pro-opposition website published what it alleged to be video footage recorded on 6 December 2014, showing approximately 55 women and children who had been taken hostage from the Latakia villages. In the video, hostages urge the Government to exchange them with

fighters held by the Government. The fate of the women and children, abducted by the group but not appearing on the video, is unknown.

101. Anti-Government armed groups have kidnapped individuals and held them hostage in violation of common article 3 of the Geneva Conventions, amounting to a war crime.

Islamic State of Iraq and Al-Sham

102. On 29 May 2014, ISIS in Minbeij abducted 153 Kurdish school children, boys aged 13 and 14 years, as they returned to Ayn al-Arab (Kobane) from Aleppo city. While 15 boys were released on 28 June as part of a prisoner exchange for ISIS members held by the YPG, a further prisoner exchange between the two armed groups, intended to take place on 18 July, failed. The situation then shifted from being one of hostage-taking as ISIS held the remaining children for the purposes of indoctrination, before releasing them in groups in August and September 2014.

C. Arbitrary arrest

Government forces

103. Unlike previous reporting periods, where arbitrary arrests by Government forces occurred at checkpoints, during ground raids and during other military operations, the arbitrary arrests documented between July 2014 and January 2015 occurred almost exclusively at checkpoints.

104. With ground searches now a rarity, checkpoints are the principal point of direct contact between Government forces and those living outside of its area of control. They are regarded with great fear by civilians, particularly those whose identification documents indicate they hail from restive areas or who have injuries, whether conflict or non-conflict related.

105. Some refugees emphasised that fear of arrest at Government checkpoints motivated their flight from Syria. One women left as her eldest son entered his adolescence, fearful that he was now old enough to be vulnerable to arrest at checkpoints.

106. Those arrested at checkpoints are almost exclusively males between the ages of 15 and 60 years. The arrests and detention of men of fighting age is an indication of arbitrariness. The circumstances of many of the arrests indicate that they were conducted on discriminatory grounds, such as the religious or geographic origin of persons.

107. On 25 July 2014, a man was travelling from Damascus city to Lebanon when he was stopped at a military checkpoint. He had been arrested previously, in 2011, for participating in demonstrations. His whereabouts are currently unknown. In March 2014, a man attempted to leave the besieged area of eastern Ghouta to travel to Damascus. He had not links to armed groups but was held at a Government checkpoint outside Hammouriyah (Rif Damascus) and has not been heard from since. There have been multiple accounts of arrests of young men travelling between Damascus and Dara'a cities in 2014.

108. In late August, an elderly man, aged 72 years, and his daughter attempted to leave the eastern Ghouta so that he could receive urgent medical treatment. As the area is besieged, Government forces were not allowing ambulances or medical aid into the area. Their taxi was stopped at an identified checkpoint near Douma (Rif Damascus) and the elderly man was arrested. His daughter's pleas that her father needed medical attention went unheeded. His whereabouts are unknown.

109. There were multiple accounts of adult men being arrested at checkpoints in Homs and Hama governorates. In mid-August, a young man was arrested at Mallouk checkpoint in the Homs countryside, after he had been been forcibly return to Syria from Jordan. In

October, soldiers at a checkpoint near Tadmor in the eastern Homs countryside arrested a man hailing from a neighbourhood of Homs city that had, earlier in the conflict, been supportive of the armed groups. The man was forced to disembark a company bus which was carrying employees to work. He has since disappeared. In early October, a man, travelling with his wife and four children for the Eid holiday, was arrested at Al-Massafi checkpoint, a few kilometres west of Hama city.

110. Government forces have carried out arbitrary arrest in violation of international human rights law.

D. Enforced disappearance

1. Government forces

111. There was a surge in reports of enforced disappearance, both from family members of the disappeared and from victims who have since reappeared. While many of the initial arrests or abductions took place outside of the reporting period, the disappearances are ongoing. It is a continuous violation that remains unabated until the fate of the disappeared is uncovered.

112. The majority of disappearances documented in this reporting period occurred in Damascus and Rif Damascus governorates. In May 2014, two students were arrested a Government military checkpoint between Dara and Damascus cities. Their families visited various Intelligence branches in an effort to determine their whereabouts but received no information. In August 2013, a man from a restive neighbourhood of Homs city was arrested at a checkpoint outside of Damascus city while travelling with his wife and children. When his family protested, the soldiers ordered them to leave, saying that they would not see their father again. The man's fate and whereabouts remain unknown. Another man, whose brother-in-law and cousin disappeared in separate incidents in 2013 in Damascus city, stated that the family had made inquiries with official sources but had received no information. The interviewee stated that he now moves as little as possible, minimising the possibility of being stopped at checkpoints.

113. Government forces were also documented as having 'disappeared' persons, mainly men 15 to 60 years of age, in Dara'a, Homs, Hama, Dayr az Zawr and Latakia governorates. A trader was detained at an army checkpoint in June 2013 while travelling from Jadia to Sanamayn (Dara'a). The man's family attempted to locate him through official channels and personal contacts and were not successful. Near identical accounts of male relatives being detained and not heard from again were received from locations across Syria.

114. As previously documented by the commission, many families continued to be too afraid to approach the authorities to inquire about the whereabouts of their loved ones. One interviewee, whose 72 years-old father was taken at an army checkpoint on his way to Damascus in August 2014, explained that she did not dare inquire about his fate: "I fear for the life of my father but at the same time I feel helpless". In the majority of cases, this fear is well-founded. Interviewees explained that, in some instances, individuals who reported a disappearance were themselves detained.

115. The desperation of families to know the truth about the fate of their loved ones nourishes a lucrative business of extortion. Some relatives pay bribes to lawyers, who often falsely, claimed they could provide information. In some cases, families were defrauded of very large sums of money. One interviewee stated that she sold her car and spent 300,000 Syrians pounds in an attempt to gain information on the fate of her son, who disappeared at a checkpoint in Aleppo, in September 2012.

116. The family of a man who had disappeared in Aleppo city in late 2011 searched for him in multiple intelligences branch in Aleppo city. When the man was released – from Sednaya prison in Damascus – in March 2014, he described being transferred from an intelligence agency in Aleppo city to multiple detention centres in Damascus. He was tortured during his detention.

117. Survivors of enforced disappearance consistently described being subjected to torture during their detention. One woman explained that her husband, whose detention in Adra prison in Damascus had been concealed by the authorities, died of the injuries sustained during the torture he endured after his release.

118. In all the instances documented, the victims were denied their fundamental right to due process. They were deprived of contact with the outside world, including close relatives. No legal assistance was provided. They were placed outside the law, at the mercy of their captors.

119. Not knowing whether their loved ones are dead and, if so, what has happened to their bodies, families can neither mourn nor adjust to their loss. One interviewee reported how her mother had a mental breakdown, unable to cope with the prolonged disappearance of her son, who went missing in 2011. One former detainee, on his release, was surrounded by women waving photographs of their male relatives, hoping that he had seen them alive in Government custody. Several survivors spoke of the distress caused by the awareness that their families did not know what had happened to them.

120. Women face specific hardships. The uncertainty created by the disappearance of their husbands or fathers has social and legal consequences, including on the status of marriage, right to inheritance and social welfare, and the management of the property of the disappeared person.

121. Enforced disappearance places its victims outside the law, violating their right to recognition as a person before the law, to liberty and security and freedom from arbitrary detention. It is, as evidenced by the accounts of those who have reappeared, often a gateway to the commission of further offences, such as torture.

122. Enforced disappearances perpetrated by the Government formed part of the attack referred to in paragraph 57 above and constitute a crime against humanity.

2. Non-State armed groups

123. Persons, often those perceived as not being in supportive of ISIS, have been abducted by the armed group and have subsequently disappeared. Such disappearances have been documented in Ar Raqqah and Aleppo governorates.

124. In March 2014, a man was taken from his home in Slouk by ISIS fighters on the ground that they believed him to be supportive of the Government. His family members made inquiries with ISIS administration in Slouk but received no information. His whereabouts remain unknown.

125. A bus driver was stopped at a checkpoint in Ar Raqqah and detained by ISIS fighters. His family believe he was targeted because he was Christian. They were too frightened to seek information about his whereabouts. He has not been heard from since. As previously reported, ISIS abducted a Jesuit priest, Father Dall'Oglio on 28 January 2013. Since his disappearance, there has been no information about his fate.

126. A man was held by ISIS in Al-Bab (Aleppo) in March 2014. His parents went to ISIS headquarters to inquire about where he was but received no response. The man reappeared in late 2014, after being released from ISIS detention in the town.

127. ISIS has adopted practices that may lead to acts tantamount to enforced disappearance, in breach of its obligations under international humanitarian law. Forming part of the attack identified in paragraph 90 above, their practices constitute a crime against humanity.

3. Unknown perpetrators

128. Syrians have disappeared after being abducted by unknown armed individuals. In those circumstances, it has not been possible to identify the perpetrator to the commission's standard of proof. Such cases include that of Syrian human rights defenders Razan Zaitouneh, Samira al-Khalil, Wael Hamada, and Nazem Hammadi who were abducted in Duma (Rif Damascus) in December 2013. At the time, the area from which they were abducted was under the control of an anti-Government armed group. There has been no information about their fate or whereabouts since their disappearance.

E. Torture and other forms of ill-treatment

1. Government forces

129. Since the start of the unrest in Syria in March 2011, Government forces, notably agents of its security and intelligence agencies, have tortured and ill-treated men, women and children in their custody.

130. Numerous interviews concerning the treatment of detainees between 10 July 2014 and 10 January 2015 further evidence earlier factual and legal findings made by the Commission. Most accounts come from torture survivors.

133. Almost all interviewees who had been detained in Government facilities detailed being tortured and held in horrific conditions. Most were civilians who had also been beaten from the point of arrest or abduction – usually at checkpoints – to their arrival at the detention centres. With the exception of those kept in solitary confinement, all had witnessed the torture of other detainees. As detailed above, several witnessed the deaths of cellmates and/or saw bodies of detainees in other areas of the facilities. Many bear physical and psychological scars.

134. In this reporting period, the majority of accounts of torture and ill-treatment occurred in detention centres in Damascus and Rif Damascus governorates, most particularly in Military Security branches 215 (Raids branch), 235 (also known as Palestine branch), 227 (Damascus regional branch), 248 and 291 (Investigations branches); Air Force Intelligence branch in Mezzeh military airport; in Mezzeh Military Hospital 601 and Tishreen Military Hospital; and in Sednaya prison. Branches 248, 291 and 293 are housed in the same facility in Kafr Sousa.

135. Former detainees also reported being tortured in Government detention facilities and prisons in Aleppo, Dara'a, and Hama governorates. Torture was also recorded as having occurred at a facility run by the Government's paramilitary group, the National Defence Force in the Al-Joura neighbourhood of Dayr az Zawr city between May and October 2014.

136. Methods of torture remained consistent across time and governorates. In this reporting period, former detainees described being beaten on the head, bodies and soles of feet with wooden and metal sticks, hoses, cables, belts, whips, and wires. Detainees were also sexually assaulted; given electric shocks, including to their genitals; burnt with cigarettes; and were placed in stress positions for prolonged periods of time. A substantial number of male detainees reported having their hands handcuffed behind their backs and then being suspended by their wrists from the ceiling or a wall for hours. Detainees emphasised that they were beaten not only during interrogations, but also in the cells by the prison guards.

137. While the majority of interviews concerned the treatment of male detainees, female detainees also reported being severely beaten, sexually assaulted and given electric shocks.

138. In May 2014, a member of the medical staff at a field hospital in Rif Damascus was arrested during an attack by Government forces. He was taken to Air Force Intelligence in Mezzeh military airport where he was held until late 2014. He described being stripped to his underwear and placed in a very overcrowded, lice-infested cell. He and his cellmates were given little food. He was whipped. Interrogators then forced his limbs into a car tyre and beat him severely.

139. Another man, who had worked in a field hospital in an armed-group controlled area in the east of the country, was arrested by military intelligence in Damascus city in June 2014 and taken to branch 215. Accused of terrorism, he reported being beaten, kicked, suspended from the ceiling by his wrists, burnt with cigarettes and electrocuted. Another man, also held at branch 215 at the time and not released until December 2014, described being tortured and held in an overcrowded cell.

140. In June 2014, a man was transferred from another detention facility in Damascus to branch 235. He was beaten during the transfer by his guards. During his interrogation, he was beaten unconscious and, later, his thumbprint placed on a document he was not able to read.

141. In Aleppo governorate, while one man was held at an intelligence agency from April to late July 2014, he witnessed other detainees being severely beaten and heard a female detainee being beaten.

142. One woman, held in branch 227 in mid-2014, stated that she was beaten and kicked during interrogations during twice weekly interrogations over a three-month period. She reported that authorities used electric shocks on at least two other detainees. She was released after her family paid a bribe to the facility's authorities. A woman, released from branch 235 in August 2014 stated that women were beaten there.

143. Former detainees stated that they would try to avoid transfer to Mezzeh (601) or Tishreen military hospitals because the torture and ill-treatment of patients at these facilities was notorious. One detainee held in Sednaya from 2012 to mid-2014 stated his cellmate had been transferred to Hospital 601 and was severely beaten there.

144. In February 2014, one detainee was transferred from an intelligence agency in Damascus city to Sednaya prison where he was held until late 2014. The guards beat and kicked him and the other detainees being taken to Sednaya. He describes prison guards entering the cells and severely beating, kicking, and stepping on him and the other detainees. In one such attack, the interviewee stated he was beaten unconscious and sustained a broken shoulder and several fractured ribs.

145. Government authorities in intelligence and security agencies as well as prisons committed sexual torture against male and female detainees. This included sexual assaults, electrocutions of the genitals and the threats of rape being made to the detainee or of his/her female family members.[b]

146. The above conduct was perpetrated by both prison guards and interrogators and was often designed to elicit confessions from the detainee. Some former detainees stated that, under torture, they were made to give names of other civilians who they would falsely indicate were involved in opposition activities. These names were reportedly used to effect further arbitrary arrests. Beating and other physical abuse by prison guards, often occurring

[b] See paragraphs 176-183, below.

inside the cells, appeared designed to humiliate and punish those held in Government custody.

147. In this reporting period, conditions of detention continue to be characterised by a lack of food, water, space, sleep, hygiene and medical care and denial of life saving medicine. Detainees are held in severely overcrowded cells, often with little light and with limited access to toilet facilities. Many described having to sleep in shifts as there was insufficient room for all the detainees to lie down at the same time. Many of those held were not able to shower for months at a time. Detainees routinely described cells as being infested with lice and other insects. In such circumstances, infections from injuries sustained from torture by prison guards and interrogators were common, and sometimes, fatal.

148. Those held in Government detention facilities and prisons often received little or no medical treatment. Inadequate food was provided, with some detainees reporting a loss of over a third of their body weight while held in custody. Few detainees ever saw a lawyer, were ever charged or ever appeared in court.

149. One detainee, held in Sednaya prison until late 2014, stated that he was detained in a cell so overcrowded that he and his cellmates took turns standing, sitting and sleeping. Cells were without light and infested with insects, including lice. They did not have access to a shower while imprisoned there. They received no medical care and very little food. Other detainees, held in Sednaya earlier in 2014 provided consistent accounts of dirty, unhygienic conditions in the cells and detainees suffering malnutrition and infections, which went untreated.

150. A woman held in branch 235 during the reporting period stated that her cell was so overcrowded, the woman and girls held there had to sleep on their sides if they were all to lie down. They received little food. No sanitary napkins were provided. The failure of the Government authorities to provide sanitary products from female detainees was echoed by another female detainee in an unknown military security branch in Damascus earlier in 2014.

151. Children under the age of 18 years have been recorded as being held in Government custody and subjected to torture and ill-treatment.[c] Placed in the cells with adults, they also suffered the same prisons conditions.

152. A man held in Air Force Intelligence in Mezzeh military airport until early October 2014 described being held in an overcrowded cell with children as young as 10 years old. A woman, held in Military Security branch 235 until August 2014 described being held in a small group cell with approximately 30 women, the youngest being 15 years old.

153. Torture and others forms of cruel, inhuman or degrading treatment or punishment have been committed by the Syrian Government, in violation of its obligations under international human rights and international humanitarian law.

154. Severe pain has been inflicted on men, women and children held in Government detention centres. It was inflicted to extract information and to humiliate and punish. The physical violence described by former detainees – being suspended by the wrists or ankles, electrocution, kicking, beating (including on the soles of the feet) – have been found to constitute torture by various international tribuna's and UN human rights bodies.

155. The Government has continued to perpetrate torture and other forms of cruel, inhuman or degrading treatment or punishment as part of a widespread and systematic

[c] See paragraph 195, below.

attack directed against a civilian population, indicating the existence of a State policy. The Government has therefore, as previously found, committed torture and other inhumane acts as crimes against humanity. This conduct is also prosecutable as the war crimes of torture and inhuman treatment.

156. The conditions of detention suffered by the men, women and children held in Government custody constitute cruel, inhuman or degrading treatment or punishment and may, in themselves, rise to such a level as to constitute torture.

157. The Government continues to commit these crimes with impunity. Members of intelligence agencies and their military and civilian superiors failing to prevent and punish these crimes can be held individually criminally liable for the conduct described above.

2. Non-State armed groups

Islamic State of Iraq and Al-Sham

158. In the areas it controls, ISIS has continued to torture and ill-treat civilians and captured fighters from other armed groups and Government soldiers. This conduct has been documented in three distinct contexts: public punishments for breaches of ISIS edicts; in the group's detention centres; and during its indoctrination efforts.

159. Throughout the reporting period, ISIS has carried out lashings in public spaces in towns and villages in Aleppo, Dayr az Zawr, Ar Raqqah and Al Hasakah governorates. Men and boys under the age of 18 have been lashed for being in the company of women whom ISIS considered to be "improperly" dressed, for smoking, not attending Friday prayers, trading during prayer times and for having tattoos. Women have been lashed for not being fully covered while in public and for being in public with a man who was neither their spouse nor a close male relative.

160. In Dayr Hafir (Aleppo), ISIS lashed men who were caught smoking. In late August 2014, ISIS fighters assaulted two men they found smoking on the streets of Mo Hassan (Dayr az Zawr) and took them to the Sharia court, which released them. A 16-year-old boy was beaten publicly by ISIS fignters in Al-Mayadin (Dayr Az-Zawr) in June 2014. The reasons for this beating are unclear.

161. In Raqqah city (Ar Raqqah), a woman was publicly lashed for "prostitution" in a market in October 2014. In Al-Bab (Aleppo), Al-Hisba – ISIS's morality police – hit women in the street with sticks if they judged them improperly undressed. These on-the-spot punishments are administered by its all-female brigade, Al-Khans'aa.

162. In November 2014, in the village of Al-Ghreika (Al Hasakah), ISIS lashed a man 60 times after his wife left their house alone in order to check on their crops. ISIS had forbidden women to be anywhere outside home without a close male relative or spouse.

163. As ISIS stabilised its control over territory it currently holds, it has set up detention centres in former Government prisons, military bases, hospitals, schools and in private houses. Detainees are held there while waiting to go before the ISIS courts and some then serve sentences there.

164. A detainee, held in the ISIS detention centre in Jarablus in late 2014, stated that there were approximately 30 prisoners there, including several boys aged 13-14 years old. The prison guards beat them about the body and the face. An Egyptian fighter was particularly harsh. Kurdish detainees, who appeared to have been captured during the ISIS assault on Ayn Al-Arab, suffered particularly severe beatings, on the grounds that they were "infidels".

165. In Al-Shaddadi (Al Hsakah), a man – initially held at a checkpoint in a neighbouring governorate – was detained in a makeshift ISIS detention facility set up in a private house

while security checks were carried out by the group. While he was not beaten, he heard other detainees in adjacent rooms being beaten and interrogated about their involvement in the black market for oil.

166. In August 2014, a man was arrested by ISIS fighters in Bukamel and taken to a detention facility in the agricultural school. There he was handcuffed behind his back and suspended by the wrists while being beaten with wooden sticks. He noted that several of those carrying out the beatings were foreign fighters, among them a Tunisian and a Moroccan.

167. In late May 2014, ISIS in Minbeij abducted 153 Kurdish schoolchildren, boys aged 13 and 14 years as they travelled from Aleppo to their homes in Ayn al-Arab (Kobane). Shortly after their abduction, the boys were beaten with hoses. Following a failed prisoner exchange in mid-July 2014, the group turned its attention to the indoctrination of the children, teaching them ISIS ideology and having them watch videos of executions. ISIS set numerous rules including not speaking Kurdish, not being loud, praying at the correct times and observing Ramadan. When the boys broke these rules they were beaten by the Emir, the "ideology teacher" or the guards. Reports were received of children being severely beaten with braided electrical cables, hoses, plastic cables on the soles of their feet, back and hands. Where schoolboys were caught trying to escape, they were brutally punished, including by being given electric shocks and by being suspended by the wrists with their hand tied behind their backs. Both Syrian and foreign fighters committed these acts.

168. In February 2014, approximately 150 Kurdish men were held by ISIS and transferred to a former Government prison in Tel Abyad briefly and then to a small village in Ar Raqqah governorate. They were held there until late 2014. They were beaten severely for being suspected members of the YPG. ISIS also made attempts to indoctrinate the men, forcing them to watch videos of beheadings and to wear uniforms similar to those worn by the ISIS fighters.

169. As an organised armed group exercising effective control over territory, ISIS has an obligation to ensure humane treatment. By regularly using violence to life, torture, cruel treatment, ISIS is violating binding international humanitarian law.

170. By orchestrating systematic harm against a civilian population, ISIS has demonstrated its capacity and intent to wilfully apply measures of intimidation and terror, such as violence to life and inhuman treatment inflicting great suffering and injury to bodily integrity.

171. ISIS has committed torture as part of an attack on a civilian population in Aleppo, Ar Raqqah, Dayr az Zawr and Al Hasakah governorates, amounting to war crimes and crimes against humanity. The direct perpetrators and their commanders can be held individually responsible for these acts.

F. Sexual and gender-based violence

1. Government forces

172. The information collected since July 2014 regarding sexual and gender-based violence against men and women demonstrates the importance of continued attention to and documentation of sexual violence in Syria. Many of the accounts collected describe incidents that occurred prior to 2014. Many victims of sexual and gender-based violence could speak out only once they had been released from detention, while others took time to relay their experiences of violations which often occurred in secret or were cloaked in silence or taboo. Under-reporting and delayed reporting of sexual violence continues to be endemic. Contemporaneous medical documentation is rare and in custodial contexts,

medical assistance is denied to detainees. Female victims of sexual violence who have fled Syria may be reluctant to convey their testimonies due to their continued vulnerability as displaced, often female-headed households.

173. The lives of Syrian women have been radically altered by four years of violence and conflict. Many women interviewed described the psychological and physical repercussions they and their children experienced in the aftermath of witnessing the death of their husbands and fathers. A woman whose husband went missing in March 2012 in Al-Shaar neighbourhood, Aleppo city, described being in denial about his fate despite being told that he had died in a Government bombardment. Many women explained that they fled their homes for fear of their husbands or sons being arrested. With the rise in female-headed households and demographic shifts as a result of mass displacement and deaths and disappearances of fighting-age men, women have also experienced a shift in their societal roles. In Aleppo, Hama, Homs and Dara'a governorates, women cited a fear of sexual violence in their decisions to flee their homes.

174. Men and boys who are considered to be of 'fighting-age' through the policies and acts of Government forces and affiliated militia, have been subjected to physical and psychological violence on the basis of their gender. Perceived as likely to participate in hostilities against the Government or aid armed groups, men and boys have been arrested, tortured, disappeared, and killed on grounds of suspected affiliation or loyalty. With their freedom of movement constrained due to the constant fear of apprehension at Government checkpoints, men and boys have been forced to remain in zones of active hostilities. Sexual violence and torture is commonly employed against male detainees in Government detention facilities as an interrogation tactic, to degrade and humiliate.

175. Material collected further corroborates previous findings of sexual torture and rape being employed in Government detention facilities operated by security and intelligence agencies in Damascus. Torture methods such as the application of electric shocks to the genitals, were consistently and widely documented. Male detainees were subjected to sexual assault, sexual torture and rape in Branch 291 between June and October 2011, in Branch 215 between 2012 and 2013 and in June 2014. Rape and sexual violence was employed against men detained in Sednaya Prison, administered by the Military Police, in February 2013. Six documented incidents of rape and sexual torture used in the course of interrogations of male detainees in the Air Force Intelligence Branch in Mezzeh military airport between August 2011 and October 2014 were recorded. Male survivors of assaults described sexual torture employed at checkpoints between August 2011 and January 2012 and in January 2014. Detainees held in Mezzeh Prison and Hospital 601 were also threatened with rape in the course of their interrogations and torture.

176. Some female detainees were subject to sexual violence, including rape in Government detention facilities, in particular in the investigation branches of the Military Intelligence Directorate (commonly known as Military Security) located in Kafr Sousa (Damascus). Branches 248, 215 and 291 are located in the same building and contain holding cells underground. Documented incidents of female detainees being sexually assaulted and raped occurred in Branch 291 between June and October 2011, in Branch 215 between 2012 and 2013 and in 2014, and in three separate incidents in Branch 248 between April 2012 and June 2013. A woman was raped in the General Intelligence Branch 285 in Kafr Sousa in 2012.

177. A female detainee was sexually tortured in Branch 227 between April and June 2014. Sexual violence was also employed against female detainees at Air Force Intelligence branches, in Harasta between March and September 2012, and in Mezzeh military airport between May and October 2014.

178. Consistent accounts indicate that women held in detention facilities administered by the General Security Directorate in Damascus are subjected to sexual violence. Interrogators sexually assaulted detainees in the Al-Arbaieen Branch in April 2012. Incidents of female detainees being raped and sexually tortured in Branch 251 (Al-Khatib Branch) were documented as occurring in March 2011, between July and September 2012, and in March 2014.

179. Victim and witness accounts of rape and sexual violence employed as torture in the course of interrogations were also documented regarding incidents in Mezzeh Prison between June and September 2011 and December 2013 and May 2014, in particular the application of electric shocks to genitals, in Branch 235 (Palestine Branch) in 2013, and at the Criminal Security Branch in Bab Mosala in March 2013.

180. In Dara'a governorate, women faced sexual violence from Government authorities in custodial environments. Interviewees described being threatened with sexual assault in the Criminal Security Branch in Izrah, subjected to rape at a checkpoint before being taken to the Military Security Branch in Dara'a city in 2013, and sexual torture employed in detention facilities in Jasim and Dara'a city in 2014.

181. Victim and witness accounts of sexual violence were also recorded in northern governorates. During house searches in Aleppo city in 2012 and 2013, Government forces sexually assaulted women and men in their homes. In 2013, detainees were raped in the Political Security branch and sexual assaulted at the Military Security branch in Latakia.

182. Violations of physical integrity through the use of torture and ill-treatment and sexual violence, including rape, by Syrian State officials, amounting to severe and systematic violations of international human rights law and international humanitarian law. Syrian government authorities have manifestly failed to protect male and female detainees from sexual harassment, sexual torture, rape and sexual violence in prisons and detention facilities in Damascus, administered by and under the control of the military, intelligence and security agencies. Survivors and witnesses emphasised the long-lasting physical and psychological repercussions of sexual violence.

183. Many women and men, including minors, have been victims of the deliberate use of sexual humiliation, sexual torture and rape while in the custody of Government authorities throughout the span of the unrest and conflict in Syria (from 2011 – 2014). Rape and other forms of sexual violence, amounting to serious violations of international humanitarian law, war crimes and crimes against humanity, entail individual criminal responsibility for the direct perpetrators of crimes and their authors at the highest levels of the chain of command, including the highest levels of Government.

2. Non-State armed groups

184. Accounts have been collected which indicate the vulnerability of women and gay men to sexual assault and harassment at checkpoints run by armed groups. Upon detention, gay men were abused and harmed on the basis of their sexual orientation.

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185. As documented in the thematic report "Rule of Terror: Living Under ISIS in Syria", ISIS has executed women and men on the basis of their gender and subjected them to sexual assault and rape, as part of a broader attack on the civilian population in areas of Ar Raqqah and Dayr az Zawr governorates, constituting the crimes against humanity of murder, torture, rape and other inhumane acts.

186. Women have been executed in Ar Raqqah and Dayr az Zawr.[d] These executions, carried out as punishment for crimes such as adultery, were utilised to instil fear among women for disobeying the social edicts imposed by ISIS.

187. The restrictions imposed on women and subsequent corporal punishments for non-compliance continue to occur, enforced by the Al-Hisbah morality police and the Al-Khans'aa all-female brigade. In Ar Raqqah, women and men have been lashed for improper dress and women's freedom of movement has been severely restricted. In Aleppo, women and men have been forced to comply with onerous dress and prayer instructions in Al-Bab, Minbeij, Massakanah, and Dayr Hafir. In Al Hsakah, ISIS has imposed dress codes for women in Qamishli and restricted the movement of men. Similar measures were undertaken in Aqaribat (Hama) and in Al-Mayadin and Al-Bukamal (Dayr az Zawr) in October 2014. The psychological and physical harm caused by ISIS's treatment of women, the onerous instructions imposed on their dress code, and restrictions on their freedom of movement demonstrate discriminatory treatment on the basis of gender.

188. During its early August 2014 attack on Sinjar in northern Iraq, ISIS abducted hundreds of Yazidi women and girls. Some abductees have been taken into Syria and sold as 'war booty' to ISIS fighters while others have been given to ISIS fighters as 'concubines'.[e] Information collected recently indicates that groups of dozens of girls and women have been transported to various locations in Syria, including Ar Raqqah, Al Hsakah, and Dayr az Zawr. There, the girls and women are raped and held in sexual slavery. Most of the women and girls captured remain in captivity in Syria. The enslavement of Yazidi women was undertaken as part of ISIS's attack on civilian communities considered to be infidels. ISIS attacks on Yazidi women and girls now being held inside Syria are violations of international humanitarian law and amount to the war crime of sexual slavery, sexual violence, rape and forced pregnancy. Undertaken as part of a widespread and systematic attack identified in paragraph 90, these acts amount to the crimes against humanity of enslavement, rape and sexual violence.

189. Gay men have been targeted on the basis of their sexuality and killed. Reports indicate that such conduct is indicative of a broader pattern of ISIS' treatment of homosexual men. Such killings constitute murder as a war crime, and a crime against humanity.

190. ISIS has imposed arbitrary and disproportionate restrictions on women and men on the basis of their gender, inflicting harsh punishments for non-compliance with ISIS' edicts and instilling fear among the civilian population under the control. Corporal punishments amount to cruel treatment and torture, and publicly humiliate and degrade women and men, in violation of customary international humanitarian law and rising to the level of war crimes, incurring individual criminal and command responsibility. Undertaken as part of a widespread and systematic attack, these acts amount to the crimes against humanity of torture and other inhumane acts.

G. Violations of children's rights

1. Government forces

191. Children have been killed, injured and maimed in aerial bombardments, barrel bomb and shelling attacks carried out by the Government on a massive scale. Children living in non-State armed group-controlled neighbourhoods of Aleppo city have been suffering from

[d] See paragraphs 72, 75 below, as well as A/HRC/27/CRP.3, paragraph 52.
[e] See A/HRC/27/CRP.3, paragraphs 53-57.

near continuous bombardment by Government forces and inadequate humanitarian relief for over two years. Children who fled Rif Damascus in the course of 2014 experienced long-lasting distress as a result of the state of insecurity and constant shelling and Government airstrikes. A mother of three boys aged 7, 5 and 4 years, described her two eldest children as having lost a lot of weight while the family was besieged in eastern Ghouta. The youngest still has nightmares about being bombarded. Psychosocial consequences of bombardment, displacement and other violations have affected children across Syria.

192. The Government continued its aerial bombardment campaign in Dara'a and Idlib governorates throughout 2014, killing and injuring children in several documented instances in October. On 30 July, two children were wounded, one seriously, when Ein Thaka village was aerially bombardment by Government forces. In Samlin (Dara'a), a 12-year-old girl was killed during indiscriminate shelling by Government forces reportedly based in Zamrin.

193. A doctor working near the frontlines in Aleppo city reported an increase in injuries from sniper fire between September and October 2014. He estimated that approximately 40% of persons hit by sniper fire were children. Most were targeted in Bustan Al-Pasha and Sheikh Maksood. A pediatrician working in Aleppo described mass malnutrition, communicable diseases, trauma and related ailments, and chronic illnesses left untreated among his patients.

194. With approximately 5,000 schools destroyed in Syria, the resulting sharp decline in children's education continues to be one of the greatest concerns among those interviewed. The Government aerially bombarded Dar Ta'azzah, a town northwest of Aleppo, in late June, early November and mid-December 2014, hitting a school on 6 November and injuring children in the attack. In Dar Al-Kabira (Homs) and in Bab Touma (Damascus), no schools have been operating since 2012. Some school buildings are used to shelter internally displaced persons, while others have been abandoned after being targeted in aerial attacks. The risk of being attacked while in school prevents children from accessing education. Interviewees who fled Al Hasakah governorate described how children did not go to school due to the frequent bombardments targeting educational institutions.

195. Intelligence and security agencies continued to detain young children together with adults, exposing them to sexual violence and subjecting them to the same ill-treatment and torture as adult detainees. In detention, children also witness violent torture and death. The presence of children was documented in Military Security Branch 235, known as the Palestine Branch, and in the Air Force Intelligence Branch in Mezzeh military airport (Damascus), detention facilities in which torture is systematically employed. A 16-year-old girl was subjected to sexual violence in Military security Branch 248 in Kafr Sousa in Damascus in 2012 and 2013. A 5-year-old child who had been detained and tortured with his mother in several different Government detention facilities, including Branch 248 in Kafr Sousa, suffered severe distress, nightmares, and experienced problems urinating for months afterward. A 16-year-old boy, who was detained and tortured at the National Defense Forces Branch in Al-Joura neighbourhood in Dayr az Zawr, described being held together with at least five other young boys, most of whom were younger than he. They were placed inside a tyre and beaten and hung up for prolonged periods of time.

196. The failure of the Syrian authorities to protect children from the effects of conflict has resulted in a devastating level of displacement of children. In targeting schools and failing to take precautions in attacks to minimize harm to children and schools has led to a significant loss of access to education among Syrian children, while indiscriminate attacks continue to maim and kill children on a massive scale. In detaining children and exposing them to ill-treatment and torture in detention facilities, Syrian authorities, including the military, security and intelligence agencies, have violated children's human rights and the

rules of international humanitarian law, amounting to war crimes. They have perpetrated crimes against humanity, entailing individual criminal responsibility for the direct perpetrators of crimes and their authors at the highest levels of the chain of command, including the highest levels of Government.

2. Non-State armed groups

Anti-Government armed groups

197. Anti-Government armed groups operating in eastern Ghouta (Rif Damascus) continued to carry out indiscriminate attacks against residential neighbourhoods in Damascus city. These mortar attacks resulted in civilian casualties, killed and maimed children. On 30 September, Douela'a in Rif Damascus was shelled by non-State armed group fighters from the direction of Doukhaniyah, killing a 10-year-old boy and injuring other civilians who were walking along a residential street.

198. According to witnesses and victims of non-State armed group attacks in Busra Al-Sham, (Dara'a) the shells often hit civilian targets and many of the resulting casualties were children. In an attack on 7 October, mortar shells were fired at the Busra Al-Sham hospital, killing a 13-year-old girl who was standing in the hospital's courtyard.

199. As armed groups have gained a foothold in southern governorates, hostilities have taken place between Bedouin military and Druze localities in As-Suweida. On 16 August 2014, following attacks on local Druze civilians, Bedouin militants allied with Jabhat Al-Nusra killed a 13-year-old boy at close quarters.

200. On 12 November 2014, a rocket fired by non-State armed groups hit the Karnaz Female School in Karnaz (Hama). The attack took place at approximately 10:15 am during morning recess when children were playing in the school's courtyard. Seven children were killed in the attack and many others severely injured. As parents came to search for their children, "each father or mother shouted and looked for his or her child, crying and screaming." A nearby medical clinic was also damaged in the shelling attack. Parents described how their children, who survived the attack, were distressed and experienced trauma in the aftermath.

201. In the course of hostilities between armed groups and Government forces in Adra Al-Omalia, Jabhat Al-Nusra and Jaysh Al-Islam abducted hundreds of civilian residents in December 2013. Around 25 September, the hostages were transferred by armed groups when Government forces regained control over Adra Al-Omalia. The hostages, many of whom are young children, continue to be held in an unidentified location. In early August 2014, an armed group kidnapped nine members of one family, including a 12-year-old boy and a 10-year-old girl, from a village in Hama. The family were reportedly taken hostage to force a relative's defection from the army.

202. On 10 July, during an attack on Al-Rahjah village (Hama), Jabhat Al-Nusra fighters beheaded a man in front of his children. Months later and displaced from their home, his children continued to suffer the impact of the attack.

203. Of the 6.5 million internally displaced persons in Syria, half are children. With many IDPs fleeing into areas under non-State armed group control, they are vulnerable to the conduct of non-State armed group fighters. Separated from their communities, and often their families and parents, children are at risk of being targeted and instrumentalised. Armed groups continue to recruit and train children for active participation in hostilities. Children's membership in armed groups exposes them to injury and death in the course of hostilities and to retaliation from other armed groups. A 16-year-old boy who had been recruited and trained by Jabhat Al-Nusra in Dayr az Zawr, was imprisoned by ISIS upon capture and then recruited into their ranks.

204. Non-State armed groups have maimed and killed children in indiscriminate attacks in Damascus, Idlib, Dara'a, Hama and Homs, including in attacks targeting schools, taken children hostage and failed to protect children in their custody from harm. In a continuing trend, Jabhat Al-Nusra has continued to use and recruit children into their ranks for active combat roles. Acting in violation of international humanitarian law, the group has infringed the rights of children and disregarded their obligations to afford them necessary protections from harm and abuse.

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205. ISIS has continued to instrumentalise and abuse children on a massive scale. The violations documented have had acute physical and psychological repercussions for survivors and witnesses and have had destabilising effects on communities.

206. On 29 May, a convoy of buses transporting children home to Ayn al-Arab (Kobane) after writing their final school exams in Aleppo, was stopped by ISIS fighters. All male students, aged 13 and 14 years old, were removed and transported to Menbej, where they were taken to the Sharia Court and the Al-Fateh Mosque to spend the night. The following morning, the children were taken to a two-story school building 500 metres from the mosque and told that they would be detained there as hostages for a prisoner exchange with the YPG. In the course of their four month long detention, ISIS members and Shari'a teachers beat and mistreated the children as punishment for disobeying rules, such as being too loud or speaking Kurdish. In the most severe punishments for repeat offences or for trying to escape, ISIS gave boys electric shocks and suspended them by their wrists from the ceiling for several hours.

207. The children were subjected to religious education in an apparent attempt to indoctrinate them into ISIS' ideology and to desensitise them to forms of violence employed by ISIS. This included forcing them to watch videos of beheadings. Following their release, the boys' parents described the altered behaviour of their children and the concerns they had for their mental well-being in the long-term. This incident stands as a stark example of the manner in which ISIS utilises children to entrench their ideology into communities with a view to ensuring long-term loyalty.

208. ISIS has detained children and subjected them to the same treatment as adults. A 13-year-old boy detained in an ISIS facility in (Aleppo) between March and October 2014, was accused of writing anti-ISIS graffiti and tortured as punishment. A co-detainee described the boy being taken away, blindfolded, hooded and tied up. He never returned to his cell. An 11-year-old boy who was arrested in Al-Bab and accused of fighting against ISIS, was executed in the same detention facility in 2014.

209. ISIS fighters have executed children accused of being members of opposing armed groups as well as those who broke the group's edicts. In September, ISIS beheaded a 16-year-old girl, who they accused of being an YPG member, in Shuyoukh, (Aleppo). On 5 September, a 16-year-old boy believed to have been a captured fighter from another armed group was executed in Al-Ashara, (Dayr az Zawr) and his body was displayed for days afterward. In early October, a male child was killed and his body placed on display in Minbeij (Aleppo). Children are often present in the crowds at the executions and cannot avoid seeing the publicly displayed corpses in the days that follow. One woman described closing her son's eyes as they passed television screens in Raqqah city on which ISIS screened videos of its executions.

210. ISIS has also used children as executioners. Two Syrian Government soldiers captured at Tabqa airport were executed by a 16-year-old ISIS fighter in late August. On 13 January, ISIS released a video showing a child approximately 10 or 11 years old shooting two men accused of espionage. Children are trained to use weapons and to deploy as suicide bombers in "Cubs Camps". One 14-year-old boy, who was trained in such camps in

Idlib and Hama described seeing many non-Syrian children in the camps, some of whom were the children of fighters, some who had been kidnapped, or had voluntarily joined ISIS. Witnesses described seeing young children in ISIS insignia carrying weapons in Minbeij (Aleppo) in October 2014. One of those interviewed witnessed a boy having to drag an AK-47 as the weapon was taller than him. Armed children were also observed in Al Hasakah, where they were seen guarding ISIS bases and working at the group's checkpoints. A child, aged approximately 10 years, was seen working as a prison guard in an ISIS detention centre in Tibneh (Dayr az Zawr). Children participated in active hostilities in the ISIS assault on Ayn al-Arab (Kobane) and in military operations in Tibneh and Al-Shuhail (Dayr az Zawr).

211. ISIS has failed to protect children in the course of their military operations. Children who survived the attack on Ayn al-Arab (Kobane) in September and October 2014 exhibited signs of trauma in the aftermath and described their distress at losing their homes and futures following their displacement.

212. In November 2014, ISIS closed schools in Aleppo and Dayr az Zawr for lack of conformity with its understanding of Shari'a curriculum. In Ar Raqqah governorate, some schools have reopened in compliance with ISIS' requirements. ISIS has also occupied schools and used them as military bases. Two schools were occupied in Al-Shaddadi (Al Hasakah) and one in Al-Ashara (Dayr az Zawr). The International Coalition's aerial campaign against ISIS has led their fighters to hide deeper in densely populated civilian areas, abandoning their bases in school buildings, which were frequently marked with the group's banners.

213. The military use of schools endangers children and prevents their access to education. The kidnapping and indoctrination of Kurdish schoolchildren in Minbeij is a clear instance of a deliberate victimisation of children, entailing repeated violations of children's rights. ISIS recruitment and use of children violates international humanitarian law and rises to the level of war crimes, committed in a systematic manner and on a mass scale. The training of children and testimony describing the presence of children among ISIS fighters indicates the organised recruitment and preparation of children for active combat roles. The use of children as executioners, and the execution of children accused of membership in opposing armed groups, indicates the level of vulnerability of children, in particular boys, perceived to be of fighting age. ISIS' violations entail clear individual criminal responsibility for the direct perpetrators of crimes and their authors at the highest levels of ISIS' hierarchy.

People's Protection Units (YPG)

214. Underage fighters were involved in the YPG's military operations against ISIS in Ayn al-Arab (Kobane). After the YPG call for mass mobilization to defend the area from ISIS, many children joined the fighting and were wounded or killed. Minors participated in military operations and YPG failed to take action to prevent their involvement. One interviewee stated that his 15-year-old brother had been conscripted into the YPG to fight in Ayn al-Arab (Kobane) and had since been injured in hostilities.

215. Accounts of recruitment of minors into the YPG have also been documented in Aleppo and Al Hasakah. In separate incidents two 15-year-old girls were recruited by the Women's Protection Unit of the YPG in December 2014.

216. The YPG continues to recruit and use children in active hostilities in violation of international humanitarian law and their own stated commitments to the contrary. Available information indicates that minors are accepted into YPG ranks for roles that involve direct participation in hostilities.

H. Unlawful attacks

1. Government forces

217. As the Government's aerial campaign intensified on Raqqah city and governorate, the Syrian air force continued to attack Aleppo city and its surroundings. Between September and October 2014, the districts of Haydaria, Ard Hamra and Masakin Hanano were targeted with barrel bombs on several documented occasions, killing civilians. A doctor working in Aleppo city reported that the majority of his patients in critical condition displayed wounds consistent with barrel bomb injuries.

218. The Government aerial bombardment campaign on non-State armed group-controlled areas of Aleppo has been ongoing since August 2012. In the course of the campaign, Aleppo experienced mass displacement, in particular following the start of the offensive in October 2013. However, interviewees described how those who lacked resources, feared arrest and detention, or were too weak to flee, remained despite the constant threat of bombardment. On 16 September, a Government helicopter dropped a barrel bomb on a crowded vegetable market in Tariq Al-Bab, killing six civilians and injuring 10 others. In October 2014, Al-Sukkari and other eastern districts of Aleppo, which had been under repeated attack, were again hit with barrel bombs, killing civilians.

219. Between July and September 2014, Government forces dropped barrel bombs and conducted airstrikes on the southern countryside of Idlib province, an area which hosts large numbers of IDPs. One survivor from Sinjar described the attacks as following a pattern of regular bombardments during daylight hours. Barrel bombs were dropped by transport helicopters at night, between 3 and 4am. According to witnesses, the attacks were conducted without distinguishing between civilian and military targets. In an attack around 16 July 2014, a barrel bomb was dropped on a civilian home at night, killing its inhabitants, including two young children.

220. Since the Government began a concerted aerial campaign against ISIS, they have conducted their strikes in an indiscriminate manner, hitting civilian objects and causing considerable civilian casualties. On 18 October 2014, Government forces hit Al-Mahdom Bakery in Minbeij, Aleppo, killing the civilian employees inside. On 6 November, Government forces hit a school in Dar Tazzah, injuring children in the attack.

221. Raqqah city has been bombarded on a regular basis throughout September 2014 – January 2015. Government forces have dropped barrel bombs on civilian targets and conducted their hostilities in an indiscriminate manner. On 25 November 2014, densely populated civilian locations were subjected to heavy aerial bombardment. The attack began with two airstrikes targeting the industrial area east of Raqqah city. The Hanni Mosque was subsequently hit with two targeted airstrikes, causing considerable damage to the mosque and surrounding area. The Museum Square, a busy part of Raqqah city was hit thereafter. The Boulman public transport station was targeted, with airstrikes hitting two buses and killing the passengers inside. According to witnesses of the attacks, there was no armed group or ISIS activity in any of the targeted areas. Interviewees suggested that the attacks were carried out in retaliation for ISIS executing captured Government soldiers. The aerial campaign on Raqqah city has resulted in extensive civilian casualties.

222. Government attacks on ISIS-controlled areas in Dayr az Zawr, namely on Al-Ashara in July, Al-Tayanna on 3 August, Al-Mayadin in August and Tibneh throughout 2014 have been conducted in an indiscriminate manner, causing considerable civilian casualties. Government forces indiscriminately bombarded Ahrar Al-Ghweran district in Hasakah city on 12 August 2014, as part of a concerted assault on the area. Aqaribat (Hama) was also subjected to indiscriminate attacks in October 2014, leading to civilian casualties and the destruction of civilian property.

223. On 3 September, a Government jet struck an ISIS checkpoint near Al-Shuia. While killing ISIS fighters, the disproportionate attack also killed 21 civilians, most of them children, who were in a bus at the checkpoint at the time. The available information suggests that this attack was disproportionate, causing excessive incidental death and injury, in relation to the direct, overall anticipated military advantage.

224. Government forces continued to carry out indiscriminate attacks against areas with non-State armed group presence in Rif Damascus. Douma and Mesraba were subject to bombardment between July and September 2014. In the context of the siege on Zabadani, Government forces continued shelling the area and using landmines, causing considerable harm to the civilian population. Civilians, including children were killed in an aerial attack on a market in Arbin on 9 October 2014.

225. The increase in intensity of hostilities on the southern front of the Government's military offensive has also caused extensive civilian casualties. Indiscriminate attacks were carried out in Namar from July to August, Samlin on 1-2 August 2014, Tafas between June and August, in Al-Arba'een neighbourhood in Dara'a Al Balad on 4 September 2014.

226. Persons displaced as a result of Government attacks have been further targeted while fleeing Syria. Survivors described shelling targeting convoys in Dara'a transporting displaced civilians moving toward the Syrian-Jordanian border. Many people have been unable to flee Syria to neighbouring states, including Jordan and Lebanon, due to restrictions on persons seeking refuge.

227. The strikes and shelling attacks continued through October 2014, with Tariq Al Sad neighbourhood in Dara'a city targeted with bombardment on 9 October 2014. A barrel bomb attack on Al-Mahata market in Dara'a city in mid-October, leading to civilian casualties, among them children. Inkhil was shelled in October, killing and wounding civilians in the area. Al-Mezeireeb was aerially bombarded on 20 October 2014. The attack killed and injured farmers working in their fields.

228. During the reporting period, the Government undertook an aerial campaign on Ar Raqqah and continued its aerial assault on Dara'a. The pattern of attacks and manner in which they were carried out demonstrates an apparent lack of precautions taken by Syrian forces and a lack of distinction between military and civilian targets. The use of barrel bombs in aerial campaigns against whole areas is in violation of international humanitarian law and in some cases, amounts to the war crime of targeting civilians. Government forces have systematically targeted civilians and civilian infrastructure, demonstrating the intent to kill, wound and maim. Targets have included markets, shops, hospitals, schools, and public spaces where civilians gather in large numbers.

2. Non-State armed groups

Anti-Government armed groups

229. In conducting hostilities, non-State armed groups relied on the inherently indiscriminate use of vehicle-borne (VBIED) and roadside improvised explosive devices (IED), and continued to fire mortars indiscriminately at civilian areas under Government control.

230. Armed groups positioned in eastern Ghouta in Rif Damascus continued to shell residential neighbourhoods in Damascus city controlled by the Government. In August, civilians living in Al Amara and Jaramana districts of Damascus were subjected to indiscriminate mortar shelling, which caused civilian deaths and injuries. Between 6 and 14 September, fighters from Jaysh Al-Islam shelled Al-Kabbas neighbourhood, and Douelaa on 20 and 30 September. In November, As Sadat and Al Amara were shelled by armed groups, and Mezzeh was hit by mortar fire reportedly fired from eastern Ghouta.

231. In the context of hostilities between Bedouin military and Druze localities in As-Suweida, Bedouin militants allied with Jabhat Al Nusra fired upon civilian passenger buses on 14 August and 16 August 2014 near Dama and Deir Dama, wounding women and children with gunshots from the direction of the town of Ariqa. On 16 August, Bedouin Jabhat Al Nusra fighters attacked a Druze family, killing three men with mortar fire. Survivors of the attack stated that the fighters shouted, "You are *kufar*, you are pigs. We are coming to kill you."

232. Improvised explosives placed on a busy route between Dama and Areeqah in Dara'a killed five civilian passengers travelling on a bus and injured nine others on 3 September 2014. The bus was hit by two consecutive IEDs, causing major damage to the vehicle and its passengers. The casualties included a high school student and a school principal.

233. Armed groups shelled Government-controlled civilian areas of Busra Al-Sham, Dara'a between March and September and between 7 and 25 October 2014. Armed groups also shelled Government-controlled areas of Dara'a and Busra Al-Sham throughout 2014, causing civilian casualties due to their indiscriminate manner.

234. Prior to being pushed back by Government forces in October 2014, armed groups operating in northern Hama governorate had intensified their hostilities against Government-controlled areas conducted indiscriminate attacks against Al Suqaylabyah between August and September, Mahrada between July and September, and Karnaz in October. In the eastern countryside, armed group fighters conducted indiscriminate attacks on villages west of Salamiyah city including Snaydeh, Khnayfiss and Salamiyah in October 2014.

235. VBIEDs continued to be deployed by armed groups operating in Hama, indicating an increased use of and reliance on tactics that spread terror among the civilian population. On 31 August and 1 September, there were two car bomb attacks on Taldara, a majority Ismaili village. The first attack killed two civilians and severely injured nine others, four of whom were young children. Six more civilians were killed in the second attack. Many of those injured were maimed. The explosion led to the extensive destruction of residential homes and agricultural buildings. On 3 September, a roadside IED was detonated between Al-Kafat and Taldara, killing a father and his child and severely injuring the mother. The family was on their way to get medical treatment for their child. This attack followed several other attacks on the Al-Kafat – Taldara road in August 2014.

236. On 24 September 2014, Jabhat Al-Nusra claimed responsibility for a car bomb attack on Ain Amouda, Hama, killing two and injuring ten civilians. Witnesses to the attack stated that there were no Government military or NDF forces in the area. Residents of Ismaili enclaves in the Hama countryside described a drastic increase in the number of IEDs and car bomb attacks in recent months and the level of fear instilled as a result.

237. Civilians living in Homs city continued to be affected by armed group hostilities directed at residential neighbourhoods. Wadi Dahab neighbourhood was attacked with mortar fire on 16 September, and Zahra was targeted in November 2014. Residents alleged that the attacks were carried out with rocket propelled grenades by fighters from Jabhat Al Nusra.

238. Non-State armed groups attacked civilian areas under Government control in an indiscriminate manner, often targeting no military objective and causing civilian casualties. The continued rise in documented IEDs, vehicle borne and roadside, particularly in Hama governorate, has resulted in high civilian casualties as they target civilians in densely populated areas and transit routes. Such conduct is in violation of international humanitarian law, and where attacks target civilians, amount to war crimes.

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239. In Aleppo governorate, ISIS has engaged in intensive hostilities against non-State armed groups and Kurdish armed forces. ISIS' ground assault on Ayn al-Arab (Kobane), which started on 15 September was enabled through their capacity to direct protracted indiscriminate shelling toward the town and its inhabitants. On 22 September, as ISIS was advancing, fighters shelled a bakery in the village of Zarik, killing four civilian employees. The bakery served the entire western region of Ayn al-Arab (Kobane) and was a vital source of sustenance for the surrounding area.

240. Since taking control of territory in northern and eastern Syria, ISIS has occupied civilian buildings, including schools and hospitals as military bases. Since the onset of International Coalition strikes, ISIS fighters have moved their positions into residential areas, endangering civilians. In October, residents of Minbeij described how ISIS occupied buildings in densely populated areas as a deliberate tactic. A similar trend was observed in Al Bab in November 2014, putting the civilian population at risk of the effects of attacks against ISIS targets.

241. In Dayr az Zawr, ISIS adopted similar tactics, occupying civilian buildings in Al-Ashara in September 2014. In one instance, a civilian whose relatives were killed in a coalition airstrike was forced to flee because he complained to ISIS about their presence near his home. In Al-Mayadin, ISIS fighters appropriated and moved into civilian homes in November 2014, displacing their residents and endangering the civilian population in the vicinity.

242. By occupying civilian homes, ISIS has endangered civilians in violation of their obligations under customary international humanitarian law. ISIS' assault on Ayn al-Arab (Kobane) was conducted in an indiscriminate manner, violating international humanitarian law and with the apparent intent to cause considerable harm to the Kurdish population.

3. Undetermined perpetrator

243. On Friday, 15 August 2014, a car bomb was detonated outside the Taqwa Mosque in Namar (Dara'a). The explosion took place while worshippers were leaving the mosque. According to victim testimony, the car was parked less than 20 metres from the mosque and the bombing was timed to cause maximum damage. Media reports and witness accounts suggest that between 14 and 22 people were killed in the attack, including several children. Also killed in the bombing were several FSA fighters, including at least one defector. It is possible that he was the target of the attack. According to an account, FSA-affiliated armed groups in the area apprehended persons from a Shi'a militant group in connection with the attack. Those interviewed indicated that people apprehended at the scene stated that they had planted the bomb there at the behest of the Government. Further information collected indicates that Government forces, in particular the General Security Directorate, may have been involved in commissioning similar VBIEDs on other occasions. No party has claimed responsibility for this attack. Other VBIEDs have been detonated in civilian areas, causing considerable casualties. In areas with continuous and protracted hostilities between Government forces and non-State armed groups, it is not possible to verify the perpetrator of certain attacks.

I. Specifically protected persons and objects

1. Government forces

244. Government forces have continued to target medical facilities in the course of their military operations against armed groups. The remaining functioning hospitals and medical facilities in non-State armed group-controlled areas do not mark their buildings with the Red Cross or Red Crescent emblem to avoid being targeted by Government forces.

245. During the aerial campaign in Idlib governorate, Government forces dropped barrel bombs on Kansafra city, hitting and destroying two hospitals and injuring medical personnel on 16 July 2014. The hospitals contained orthopaedics, obstetrics and gynaecology and paediatric centres. On 29 July, Orient Hospital in Al-Kaniya village near Jisr Al-Shukhour, was hit in an airstrike. On 19 September, the hospital was attacked again, rendering its facilities dysfunctional. Orient Hospital in Al-Kaniya had been targeted twice in 2013.

246. Hospitals in eastern Ghouta (Rif Damascus) have been systematically targeted. Al-Nashabeea Hospital was struck by tank fire on 28 July, killing a general surgeon and an emergency intensive care doctor. The hospital was further targeted with repeated airstrikes during the first week of September 2014, leading to its destruction. The Al-Kahf Surgical Hospital in eastern Ghouta was hit with barrel bombs on 1 September, destroying much of the hospital's infrastructure and injuring medical personnel.

247. In a devastating attack on Al-Houda surgical field hospital in Aleppo countryside on 2 August 2014, six medical personnel and nine patients were killed, and 20 medical staff were injured. The hospital was hit at 10:30 am and rendered dysfunctional.

248. Helfaya National Hospital in Hama was attacked on 6 and 7 August 2014, causing significant damage to its infrastructure and substantially reducing its ability to treat patients.

249. On 23 August, the Al-Tabqa National Hospital in Ar Raqqah was attacked with barrel bombs, destroying the building and killing at least four medical personnel. The hospital was a significant provider of medical care to the residents of Tabqa.

250. Ambulances have been targeted, killing paramedics and the sick and wounded. On 17 July 2014, an airstrike hit an ambulance while paramedics were rescuing and providing emergency care to persons wounded in airstrikes against Al-Bab (Aleppo). A paramedic was killed and the driver of the ambulance was severely injured. An ambulance rescuing civilians injured in an airstrike targeting a market in Douma, (Rif Damascus) on 3 August 2014, was hit, killing two paramedics. Another ambulance was attacked on 18 September 2014 in eastern Ghouta (Rif Damascus), killing the two drivers. An ambulance transporting wounded civilians was struck by barrel bombs in the north of Aleppo city.

251. Government forces carried out an airstrike against Atteb Alhadeeth Hospital in Al-Mayadin (Dayr az Zawr) on 16 December 2014, killing tens of wounded patients and destroying much of the hospitals infrastructure.

252. Al-Radwan field hospital located in Jasim (Dara'a) was hit in four separate air raids on 31 December, destroying much of its infrastructure and forcing it to cease operations. The attack wounded dozens of patients, among them children. The hospital had previously been targeted in aerial bombardment campaigns in Dara'a. The field hospital served residents and IDPs seeking shelter in areas of Jasim city under non-State armed group control.

253. Medical personnel continue to be detained and disappeared. Accounts from Government detention facilities often refer to doctors and nurses detained on charges of aiding the opposition. Medical personnel have been severely tortured and died in the custody of Syrian authorities.

254. The documented incidents of attacks against hospitals are of grave concern, as they demonstrate a disregard for the specially protected status of healthcare facilities and a failure to take precautions to avoid civilian casualties and protected the sick and wounded. The pattern of attacks indicates that Government forces deliberately target hospitals and medical units to gain military advantage by depriving anti-Government armed groups and their perceived supporters of medical assistance.

255. Attacks against medical facilities and personnel amount to serious violations of Common Article 3 of the Geneva Conventions and war crimes. Such tactics have long-term repercussions on the ability of entire communities to treat war-related and chronic healthcare problems. The criminalization of medical assistance under anti-terrorism laws issued on 2 July 2012 contravene the customary international humanitarian law rule that under no circumstances shall any person be punished for carrying out medical activities compatible with medical ethics, regardless of the person benefiting therefrom.

256. Government forces continue to disregard their international legal obligations to refrain from attacking cultural objects and sites and to not use them for military purposes. In continuing to use the Aleppo Citadel, a World Heritage site, as a military base to bombard the Old City of Aleppo, the Government has endangered the site and disregarded Security Council Resolution 2139, adopted on 22 February 2014, which calls on all parties to act immediately to save Syria's rich societal mosaic and cultural heritage, and take appropriate steps to ensure the protection of Syria's World Heritage Sites.

2. Non-State armed groups

Islamic State of Iraq and Al-Sham

257. In the course of ISIS' assault on Ayn al-Arab (Kobane) in September 2014, the city's hospitals were shelled, contributing to the dire humanitarian situation and displacement of civilians.[f]

258. The deliberate destruction of an Armenian church in Dayr Az-Zawr in September 2014 demonstrates a continuation of the trend documented in the Commission's thematic paper "Rule of Terror: Living Under ISIS in Syria".[g]

259. The abduction, torture and execution of journalists, media activists and humanitarian aid workers by ISIS have been documented since June 2013 in Aleppo. Both Syrian and international journalists and aid workers have been killed by ISIS in a deliberate attempt to control the flow of information in the areas under its controls. Journalists and activists working to document the violations and abuses suffered by their local communities under ISIS have been denied their special protection under international humanitarian law and have been disappeared, detained, tortured and killed.

260. ISIS' conducts attacks that violate its obligations under customary international humanitarian law. In a deliberate effort to assert control, ISIS has deliberate attacked protected objects and persons, amounting to war crimes.

J. Sieges and denial of humanitarian access

1. Government forces

261. The Government continues to conduct its military operations in a manner which disregards the humanitarian needs of the civilian population. Government authorities prohibit the inclusion of medical and surgical supplies in humanitarian convoys making cross-line deliveries. In Damascus, the impact of the eastern Ghouta siege on food security has harmed children. The siege is enforced through checkpoints encircling eastern Ghouta, manned by elite units, including the 3rd, 4th Divisions, and Republican Guard. Government forces shelled Hamouriyah in eastern Ghouta between March and September, worsening

[f] See paragraphs 279-281, below.

[g] See A/HRC/27/CRP.3, paragraphs 25, 29 and 31.

the humanitarian conditions and contributing to displacement. Those who fled described a lack of adequate humanitarian aid and access to basic foodstuffs.

262. The siege of Yarmouk in Damascus has continued to be enforced by pro-Government forces, including elements from Branch 235 (also known as the Palestine Branch) and the Popular Front for the Liberation of Palestine. These forces and the Syrian authorities accord irregular and inadequate access to humanitarian actors. 18,000 Palestinians remain inside Yarmouk. The absence of medical and surgical supplies in aid deliveries has created a chronically low supply of medicine in Yarmouk. Children suffer from acute malnutrition. Instances of humanitarian actors coming under attack by armed groups operating inside Yarmouk have been reported. Many of the residents whohave fled Yarmouk in the course of the conflict are currently displaced to Khan Al-Sheeh (Rif Damascus). Government forces have surrounded the area and conducted indiscriminate attacks in their assault against armed groups operating in the area. Palestinians living inside Syria are faced with a worsening situation and eroding protections.

263. Accounts consistent with previous reporting periods indicate that Government forces impose restrictions on movement, humanitarian access, medical supplies and basic necessities on areas with non-State armed group presence. This has resulted in severe shortages among the civilian population in Dara'a, namely in Khirbat Ghazala (Al-Tahwra), Nawa, Mhajeh, Al-Mohhayam and Tariq Al-Sad neighbourhood in Dara'a city. These areas have also been indiscriminately shelled, aggravating the humanitarian situation. Government forces periodically tighten and loosen the sieges in Dara'a as part of their military strategy. During the summer of 2014, wheat fields and agricultural land in Namar and Jasim were set alight as a result of mortar shelling by Government forces. Some residents who suffered the destruction of their harvest said the attacks had been punitive. In the course of the Government's campaign against ISIS, a bakery in Minbeij (Aleppo) was aerially bombarded on 18 October 2014.

264. Government forces instrumentalise the basic needs of civilians, including access to medical care and food, as part of a military strategy to erode civilian support in areas under non-State armed group control and punish those perceived to be affiliated with armed groups. By refusing to permit humanitarian delivery of medical supplies to the civilian population, the lives of women, men and children are put at grave risk. Civilians are indiscriminately targeted by a systematic policy to prevent access to medical assistance. The consistent denial of medical supplies by Syrian authorities is in stark violation of their obligations under Common Article 3 to the Geneva Conventions to care for the sick and wounded, which includes both the civilian population as well as those taking an active part in hostilities. The denial of medicine has no military justification and is used as part of a punitive strategy. Attacks on civilian objects, such as bakeries, are unlawful.

2. Non-State armed groups

Anti-Government armed groups

265. Since mid-2014, non-State armed groups have carried out an increased number of attacks against facilities necessary for the survival of the civilian population. Targeting the lifelines of communities under the control of, or perceived to be affiliated with the Government has emerged as a military tactic of some non-State armed groups, with dire humanitarian consequences for civilians. In Nubul and Zahra (Aleppo) armed groups controlling the access routes to the area prevent the supply of basic goods to the civilian population.

266. On 24 November 2014, armed groups attacked Ain Al-Fijeh, the source of fresh water for Damascus city, in retaliation for the Government offensive against their positions.

An estimated five million people living in Damascus suffered shortages of water as a result, as water had to be re-routed from other localities to Damascus.

267. In Hama, armed group fighters burned wheat fields and olive groves in Al-Muzaira, targeting the Ismaili community perceived to be affiliated with the Government. Mortar fire indiscriminately fired by armed groups against Taldara set agricultural fields alight and destroyed what residents described to be 70% of their harvest. Armed group fighters continued to prevent farmers from accessing their land and harvest in Al-Ghab and around Al-Salamiyah by planting anti-personnel landmines and using sniper fire.

268. In As-Suweida, armed groups restricted farmer's access to their agricultural fields in Leben. This has had a significant impact on the ability of the local Druze community to access their livelihoods.

269. Non-State armed groups increasingly targeted the lifelines of civilians, including power stations, electricity installations, and agricultural land. By attacking, destroying or rendering useless objects indispensable to the survival of the civilian population, armed groups have violated their obligations under international humanitarian law and infringed upon the rights of civilians.

Islamic State of Iraq and Al-Sham (ISIS)

270. Prior to the assault on Ayn al-Arab (Kobane), ISIS fighters deliberately cut off water and electricity supplies to the town. During the ground attack, the group pillaged livestock and destroyed the property of Kurdish civilians. Civilians living in areas under ISIS control lack access to basic medical care due to the destruction or occupation of medical facilities and restrictions imposed on the professional activities of medical personnel, resulting in a lack of qualified doctors. Accounts describe ISIS attempts to recruit and train civilians to become nurses and doctors to fill this gap and abducting doctors for the same purpose.

271. ISIS fighters violated their obligations under international humanitarian law in cutting off the supplies and installations indispensable to the survival of the civilian population in to Ayn al-Arab (Kobane). Through deliberately looting and destroying the property of Kurdish civilians, ISIS fighters appeared to conduct their operations with the objective of ensuring that Kurdish civilians could not return to their homes. Such acts, amounting to forcible displacement, amount to grave violations of international humanitarian law and war crimes, incurring individual criminal responsibility. ISIS has also failed in its obligations to provide adequate medical care to the sick and wounded and to civilians under its control.

K. Arbitrary and forced displacement

1. Government forces

272. Over ten million Syrians, more than a third of the country's population, have been displaced from their homes, fleeing to areas of relative safety inside Syria or crossing its borders to live as refugees. Many of these have fled the indiscriminate disproportionate aerial bombardments and shelling by Government forces. Such mass displacements occurred in the eastern countryside of Aleppo governorate, eastern Ghouta (Rif Damascus), and in the area of Sheikh Maskin and Nawa in central Dara'a.

273. By causing such large-scale displacements as a result of its unlawful attacks, the Government has failed in its obligations under international human rights law to protect civilians from such displacement. It has also failed to comply with its duties under customary international humanitarian law to take all possible measures to provide displaced civilians shelter, hygiene, health, safety and nutrition and to ensure that members of the same family are not separated.

2. Non-State armed groups

Islamic State of Iraq and Al-Sham (ISIS)

274. ISIS has systematically targeted sources of potential dissent, including through the forcible displacement of civilians living in its areas of control.

275. As ISIS solidified its control of large swathes of Dayr az Zawr governorate in the summer of 2014, it forced those perceived to be not in support of the armed group - or those who were connected, even tenuously, to persons supporting the Government or other armed groups - from their homes.

276. In mid-August 2014, shortly after seizing Mohassan, ISIS forced out a large family who had rented a house from an Alawite man perceived to be connected to the Syrian Government. In confiscating the property and driving the family out, ISIS fighters stated that the landlord was "kuffar" and "working for the regime". Reportedly several others families were forcibly displaced by ISIS on the grounds that the owners were "infidels". In early October 2014, ISIS expelled a family from its home in Al-Qouriyah days after the wife had given birth. The group displaced the family ostensibly because the husband was seen as being "moderate".

277. In the displacements documented in Mo Hassan and Al-Qouriyah (Dayr az Zawr) and Slouk (Ar Raqqah), ISIS fighters confiscated the houses and provided them to its fighters and their families for their own use.

278. In July 2014, ISIS ordered Kurdish families from their homes in Slouk. The group then confiscated the property and gifted it to its foreign fighters and their relatives. One civilian was evicted from his apartment, which was then turned over to a Pakistani ISIS fighter. Other residents of Slouk suspected to be supportive of the Syrian Government, or who use to be officers in the civilian management were also reportedly forced from their homes by ISIS.

279. On 15 September 2014, ISIS launched a multi-front attack on the Ayn al-Arab (Kobane) region, a majority Kurdish enclave in northern Aleppo. Between 15 September and 5 October 2014, ISIS advanced quickly through the countryside, amidst heavy clashes with the YPG. By the first week of October, the group entered the city, seizing some of its outer neighbourhoods. During the ISIS advance, more than 200,000 Kurdish civilians fled, or were evacuated by YPG. While close to 400 villages were emptied, some civilians who were too old, too infirm or wished to protect their property, remained behind.

280. Some were executed while others were immediately ordered to the leave their homes. ISIS also took some civilians by force to Tel Abyad (Ar Raqqah) where they were detained and beaten. On release, they were forced to leave the area. "You have to forget Kobane and your villages", one ISIS fighter told an interviewee. A senior ISIS commander, when asked if one resident could return to his village to collect his livestock, responded "Why? Do you have your house here? Do you have your village here? ….You don't belong here. By tomorrow not one of you will remain here or come back here."

281. After ISIS took control, executing or forcibly displacing the few remaining residents, fighters systematically looted houses in rural Ayn al-Arab (Kobane), with goods and livestock transported to markets in Ar Raqqah governorate. ISIS fighters also killed livestock and set houses alight.

282. In early November 2014, ISIS expelled a family from its home in Al-Bab on the grounds that the father of the family was an activist working against ISIS. The man's wife and six children were forced to leave, with one fighter saying "this home is no longer their property but the property of the Islamic State". Other activists and their families were also

reportedly ordered to vacate their homes by ISIS, with ISIS then confiscating their houses and property for its fighters' own use.

283. In the above incidents, there is no evidence to suggest that ISIS's order that civilians leave was justified by either the security of the civilians involved or by military necessity. Such conduct amounts to the war crime of forcible displacement.

284. Further, there is no evidence to suggest that the appropriation of property as described above was justified by military necessity and it is evident that the houses and any property within was then provided to foreign ISIS fighters and their families for their personal use. Consequently, there are reasonable grounds to believe that ISIS has committed the war crime of pillaging.

Annex III

Map of the Syrian Arab Republic